

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Portland School )  
District 1J )  
)

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
STIPULATED CORRECTIVE ACTION  
Case No. 23-054-016

**I. BACKGROUND**

On May 11, 2023, the Oregon Department of Education (Department) received a written special education complaint (Complaint) from the parent (Parent) of a student (Student) attending school in the Portland Public School District (District). The Complainant alleged a violation of the Individuals with Disabilities Act (IDEA) and requested that the Department conduct a special education investigation under Oregon Administrative Rule (OAR) 581-015-2030. The Department confirmed receipt of the Complaint and forwarded the request to the District on May 12, 2023.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.<sup>1</sup> This timeline may be extended if the Parent and District agree to the extension in order to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.<sup>2</sup> A complaint must allege a violation that occurred not more than one year before the date the Department received the complaint.<sup>3</sup> Based on the date the Department received the Complaint, the relevant period for this Complaint is May 12, 2022 through May 11, 2023.

On May 17, 2023, the Department's Complaint Investigator sent to the District a *Request for Response (RFR)* specifying one allegation of an IDEA violation and establishing a *Response* due date of May 31, 2023.

The District timely submitted a *Response* on May 30, 2023. The *Response* did not dispute the allegation. The District submitted 182 pages of documents, including:

1. A copy of the Student's IEP in effect at any time during the 2022-23 school year (including placement determinations), any meeting minutes, meeting notices, Prior Written Notices and any written communication (including email communication) concerning the provision of services as set forth in the Student's current IEP;
2. Report cards and progress reports from the 2022-23 school year for the Student;
3. A list of staff or others who are knowledgeable about the circumstances in this complaint and their contact information.

The Complaint Investigator reviewed all of the documents and submissions provided by the parties.

---

<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)  
<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)  
<sup>3</sup> OAR 581-015-2030(5), 34 CFR § 300.153(c)

The Complaint Investigator discussed the nature and content of a Stipulated Corrective Action with both parties, and the parties agreed to that resolution of the Complaint.

This order is timely.

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-300.153 and OAR 581-015-2030. The allegations and the Department's conclusions are set out in the chart below.

Allegations	Conclusions
<p><b><u>When IEPs Must be in Effect (Implementation)</u></b></p> <p>The Complaint alleges that the District violated the IDEA by completing an IEP for the Student on March 3, 2023, and then failing to provide services required in the IEP of the Student. Specifically, the Complaint alleges that the District has not provided any services related to the goals identified in the Student's IEP.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323 &amp; § 300.324)</p>	<p><b>Not Contested</b></p> <p>The District does not contest this allegation.</p>

## III. FINDINGS OF FACT

The Student named in the Complaint attended school in the District and the circumstances related to the allegation occurred during the one-year complaint period.

The District does not contest the allegation made in the Complaint in this matter and the parties have agreed to Stipulated Corrective Action, as set forth in the Corrective Action table, below.

## IV. DISCUSSION

The Complaint alleged one IDEA violation, which the District does not contest.

Based on the District not contesting the allegations of this Complaint, the Department orders and the District stipulates to the following Corrective Action:


## V. STIPULATED CORRECTIVE ACTION<sup>4</sup> *In the Matter of Portland School District Case No. 23-054-016*

---

<sup>4</sup> The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

Action Required	Submissions <sup>5</sup>	Due Date
<p>1. The District will:</p> <ul style="list-style-type: none"> <li>a. Provide the Student with 11 hours of compensatory education services math, 11 hours of compensatory education services in writing, and 5.5 hours of compensatory education services in the area of classroom/school skills</li> <li>b. Reach agreement with Parent regarding the scheduling of compensatory services.</li> <li>c. Provide Parents or guardians with prior written notice of the compensatory services offered.</li> </ul>	<p>The District will work with the parent to mutually agree upon a plan to deliver compensatory education/services to the Student, and provide a copy of this plan to ODE.</p> <p>The District will provide evidence of all compensatory education services provided to the Student to ODE.</p>	<p><b>September 1, 2023</b></p> <p><b>June 15, 2024</b></p>

Dated: this 10th day of July, 2023




---

Tenneal Wetherell  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing date: July 10, 2023

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS 183.484. (OAR 581-015-2030(14)).

---

<sup>5</sup> Corrective action submissions and related documentation as well as any questions about this corrective action should be directed to Mike Franklin, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone – (503) 581-3083; e-mail: [mike.franklin@ode.oregon.gov](mailto:mike.franklin@ode.oregon.gov), fax number (503) 378-5156.