

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of  
Portland School District 1J

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FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 24-054-029

**I. BACKGROUND**

On May 30, 2024, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Portland School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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 the 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>

On June 6, 2024, the Department’s Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of June 20, 2024.

In their Complaint, the Parent alleged that the District violated the IDEA by failing to complete the Student’s initial evaluation and convene a meeting to determine eligibility within 60 school days of receiving written parent consent.

On June 18, 2024, the District submitted to the Department a *Response* to the Complaint. The *Response* stated:

“The district has carefully reviewed the allegations and stipulates Student’s communication evaluation was not completed with the 60-school day statutory time-line [*sic*]. Since the complaint filing, the district has completed Student’s evaluation, determined eligibility, and developed an IEP for Student. The district has also offered compensatory speech services for 45 minutes to make up for the approximately one-month delay in IEP eligibility and IEP development. The district posits these actions are fully responsive to Parent’s complaint regarding Student.”

The Complaint Investigator discussed the nature and content of the District’s proposed corrective action with the Parent on June 26, 2024. The Parent was provided an opportunity to provide additional input regarding proposed corrective action.

This order is timely.

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<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)

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below.

Allegations	Conclusions
<p><b>General Evaluation and Reevaluation Procedures</b></p> <p>The Parent alleges that the District violated the IDEA by failing to complete the Student's initial evaluation and convene a meeting to determine eligibility within 60 school days of receiving written parent consent.</p> <p>(OAR 581-015-2110; 34 CFR §300.301)</p>	<p><b>Not Contested</b></p> <p>The District does not contest this allegation.</p>

REQUESTED CORRECTIVE ACTION
<p>The Parent requested that the Department order the District to take the following corrective action:</p> <ul style="list-style-type: none"> <li>• The District needs to hold a meeting or at the very least schedule a meeting to go over the results of their report. <b><i>(this already occurred)</i></b></li> </ul>

## III. FINDINGS OF FACT

1. The Student is eight years old and recently completed second grade at a District elementary school (the School).
2. The Student is eligible for special education as a child with a Speech or Language impairment.
3. The District has not contested the allegation made in the Complaint in this matter and the Complainant has been informed of the Corrective Action in the table below.
4. The initial evaluation should have been completed no later than March 22, 2024. The meeting to develop the Student's IEP should have been completed no later than April 22, 2024.
5. The District reported providing 45 minutes of compensatory speech services.

## IV. DISCUSSION

The Complaint alleged an IDEA violation, which the District did not contest.

The Department does not make a substantive determination on the allegation of the Complaint.

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

**V. CORRECTIVE ACTION<sup>3</sup>**

*In the Matter of Portland School District 1J  
Case No. 24-054-029*

Based on the facts provided, the following corrective action is ordered:

<b>Action Required</b>	<b>Submissions</b>	<b>Due Date</b>
<p>1. The District must ensure that all District staff who were responsible for identifying and evaluating this Student receive training in each of the following areas:</p> <ul style="list-style-type: none"> <li>• Child Find;</li> <li>• Evaluation Procedures;</li> <li>• Prior Written Notice.</li> </ul>	<p>Training agenda/materials to ODE for review/approval.</p> <p>Sign-in sheet for training.</p>	<p><b>October 1, 2024</b></p> <p><b>January 15, 2025</b></p>
<p>2. The District must hold an IEP meeting with the Parent to determine whether additional Compensatory Education is required and how it will be delivered to the Student.<sup>4</sup></p>	<p>The District shall submit the following:</p> <p>Evidence of IEP meeting with the Parent to determine whether additional Compensatory Education is required, and if so, how much and how it will be delivered;</p> <p>Completed plan for delivery of Compensatory Education developed in IEP meeting with Parents (if determined necessary);</p> <p>Evidence showing compensatory education was provided (if determined necessary).</p>	<p><b>September 15, 2024</b></p> <p><b>October 15, 2024</b></p> <p><b>July 15, 2025</b></p>

Dated: this 29th Day of July 2024

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<sup>3</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)).

<sup>4</sup> The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email [ode.disputeresolution@ode.state.or.us](mailto:ode.disputeresolution@ode.state.or.us).

*Ramonda Olaloye*

Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: July 29, 2024

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).)