

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J)	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	CORRECTIVE ACTION
)	Case No. 24-054-042

I. BACKGROUND

On July 29, 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 alleged a systemic violation of the Individuals with Disabilities Education Act (IDEA) at their child’s school (District School). 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.¹ 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.² On September 25, the Complaint timeline was extended for exceptional circumstances related to the Complaint. The final order due date was extended from September 27, 2024 to October 24, 2024.

On August 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 August 20, 2024. On August 12, 2024, the District requested, and the Department granted, a three-week extension to the *Response* due date.

In their Complaint, the Parent alleged a number of IDEA violations failure to timely complete evaluations and convene a meeting to determine eligibility for students at the District School; failure to provide special education and related services in accordance with students’ IEPs at the District school; and interfering with parents’ ability to participate in decisions with respect to the identification, evaluation, IEP and educational placement of their child, and the provision of a free appropriate public education (FAPE) to the child, at the District School.

On September 11, 2024, the District submitted to the Department a *Response* to the Complaint. The District did not contest any of the allegations. The *Response* included the Student’s

¹ OAR 581-015-2030(12) and 34 CFR §300.152(a)

² OAR 581-015-2030(12) and 34 CFR §300.152(b)

background, facts relevant to the allegations contained in the Complaint, as well as a proposal for corrective action. The District submitted the following relevant items:

1. District’s Written *Response* with proposed corrective action, 9/11/24
2. Eight Student Representative Files, 2023-24
3. District Chart (including list of students and missed service minutes), 9/11/24
4. Example Letter from District (sent to each affected student), 7/3/24

The Complaint Investigator discussed the nature and content of the District’s proposed corrective action with the Parent on October 7, 2024. The Parent was provided an opportunity to provide additional input regarding proposed corrective action. This order is timely, in accordance with the extension granted.

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. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 30, 2023, to the filing of this Complaint on July 29, 2024.

Allegations	Conclusions
<p>General Evaluation and Reevaluation Procedures</p> <p>The Parent alleges that the District violated the IDEA by failing to complete evaluations and convene a meeting to determine eligibility for students at the District School within 60 school days of receiving written parent consent.</p> <p>(OAR 581-015-2110; 34 CFR § 300.301)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>
<p>When IEPs Must Be in Effect</p> <p>The Parent alleges that the District violated the IDEA by not providing special education and related services in accordance with students’ IEPs at the District School.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>

<p>Parent Participation</p> <p>The Parent alleges that the District violated the IDEA by interfering with parents’ ability to participate in decisions with respect to the identification, evaluation, IEP, and educational placement of their child, and the provision of a free appropriate public education to the child, at the District School.</p> <p>(OAR 581-015-2190; 34 CFR § 300.501)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>
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<p>REQUESTED CORRECTIVE ACTION</p> <p>The Parent requests that the Department order the District to take the following corrective action:</p> <ul style="list-style-type: none"> • Provide services to the families affected by the lack of services. • Either offer services outside of the school at the District’s expense, or outside school hours providing transportation for families who cannot provide their own.

III. FINDINGS OF FACT

1. The students referenced in the Complaint were all receiving special education services at the District School during the one-year complaint period.
2. During the complaint period, the Speech Language Pathologist (SLP) assigned to the District School was on leave during the following time periods:
 - a. Fall quarter, 2023; and
 - b. Approximately March 22, 2024 to April 19, 2024.
3. During these two time periods, the District did not have a substitute SLP available. All students at the District School with speech-language services in their IEPs missed services during this time. Additionally, speech-language evaluations were delayed during these time periods.
4. The District stipulated that all students who missed speech-language services during this time should receive compensatory services.
5. The District has tracked missed service minutes for each student at the District School with speech-language services in their IEPs. The District reported it offered a compensatory service plan to each of these students.

6. The District provided a copy of a letter dated July 3, 2024, described as “district communication that went to each affected family with an offer of compensatory services to ensure every student receives all service minutes as provided in their Individual Education Plans [*sic*].” The letter offered one-on-one speech and language services at three locations, with “30 mins [*sic*] appointment slots... taking place July 2 through August 1st.”
7. The District has not contested the allegations made in the Complaint in this matter and the Complainants have been informed of the Corrective Action, as set forth in the Corrective Action table, below.

IV. DISCUSSION

The Complaint alleges an IDEA violation which the District does not contest.

The Department does not make a substantive determination in the allegations of the Complaint.

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

V. CORRECTIVE ACTION³

In the Matter of Portland School District 1J

Case No. 024-054-042

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

Action Required	Submissions	Due As Soon As Possible But No Later Than
1. The District must provide: <ol style="list-style-type: none"> a. Training to relevant staff working at the District School on evaluation procedures. b. Evidence of training completed by staff 	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	October 31, 2024 October 31, 2024

³ 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)).

<p>working at the District School in ODE order 24-054-033.</p>	<p>Sign-in sheet for training completed by staff working at the District School in ODE order 24-054-033.</p>	<p>October 31, 2024</p>
<p>2. The District will:</p> <ul style="list-style-type: none"> a. Contact the parents or guardians of the students who did not receive timely evaluations or speech-language services in accordance with their IEPs and explain the students' loss of speech-language services. b. As part of the compensatory service provision, the District will offer IEP reviews when necessary for individual student accommodation, or at parent request, to discuss compensatory services for delayed evaluations and missed services. c. Reach agreement with parents or guardians about the type, amount, and scheduling of compensatory services, with a minute for minute make-up to be provided as directed in students' IEPs. Compensatory services will be made available at the District school through a District-contracted provider and/or parents may arrange for private speech-language services by a licensed provider reimbursement of up to \$80 dollars per hour. d. Give parents or guardians prior written notice of the compensatory speech-language services. 	<p>Documentation of notifying all parents/guardians of all affected students.</p> <p>Documentation of offers to hold IEP meetings made to parent/guardians of all affected student.</p> <p>Documentation of agreements between parents or guardians and the District, involving the type and amount of compensatory speech-language services that each affected student has received or will receive.</p> <p>Evidence of delivery or required compensatory services to all affected students.</p> <p>Documentation of PWNs issued related to compensatory speech-</p>	<p>October 31, 2024</p> <p>October 31, 2024</p> <p>January 10, 2025</p> <p>June 10, 2025</p> <p>December 2, 2024</p>

	language services for each affected student.	
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Dated: this 18th Day of October 2024



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 18th, 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).)