

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J)	
)	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	STIPULATED CORRECTIVE ACTION
)	Case No. 24-054-050

I. BACKGROUND

On August 28, 2024, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Portland School District 1J (District). The Parents 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 Parents 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 3, 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 September 17, 2024.

On September 27, 2024, the District submitted a *Response* to this Complaint that did not contest the allegations and proposed stipulated corrective action.

The District submitted the following relevant items:

1. District *Response*, 09/27/24
2. Exhibit List, no date
3. Exhibit D-1 Current Evaluation and Eligibility Statements
4. Exhibit D-2 Individualized Education Program (IEP), Amendments, and related documents
5. Exhibit D-3 All Written Communication, including Meeting Minutes
6. Exhibit D-4 Emails, 08/29/23-08/26/24
7. Exhibit D-6 Understanding Prior Written Notice (PWN)
8. Exhibit D-8 Knowledge Staff Contact List

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

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

The Parents submitted the following relevant items:

1. Prior Written Notice, 02/22/24
2. Individualized Education Program (IEP), 02/22/24
3. Finding of Facts Case 23-054-036, 11/01/23
4. Finding of Facts Case 23-054-031, 10/13/23
5. Email, re: completed IEP paperwork for your student, 05/02/24

The Parents also submitted a *Reply on October 3, 2024*, with a rebuttal.

On October 8, 2024, the Complaint Investigator provided the nature and content of a Stipulated Corrective Action and the District’s proposal to the Parents and their legal counsel. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' 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 August 29, 2023, to the filing of this Complaint on August 28, 2024.

Allegations	Conclusions
<p>Prior Written Notice (PWN)</p> <p>The Parents alleged that the District violated the IDEA when it did not provide them with a PWN before the changes made to the Student’s IEP were implemented, the date of which is unknown.</p> <p>(OAR 581-015-2310; 34 CFR §303.421)</p>	<p>The District did 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"> • “Train all special education staff on proper IEP document requirements, including accurate dates on IEPs and prior written notices.” • “Send PWNs prior to implementing the [S]tudents’ IEPs and provision of FAPE”; and • “Update the [District’s] special education procedures manual.”

III. FINDINGS OF FACT

1. The Student is eleven years old and attends 6th grade at a school in a new District.
2. On August 28, 2024, the Parents filed this Complaint.
3. On September 27, 2024, the District did not contest the allegations made in the Complaint, and the Parent has been apprised of the nature and content of the Stipulated Corrective Action, as set in the Corrective Action table below.

IV. DISCUSSION

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

The Department did 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 and the District stipulates the following Corrective Action:

V. STIPULATED CORRECTIVE ACTION³

*In the Matter of Portland School District 1J
Case No. 024-054-050*

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

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
1. Review and revise the District's written procedures to include the IDEA requirement for PWNs being provided to Parent(s) prior to implementation of IEPs and provision of FAPE.	Draft of revised policies, practices and procedures to ODE; Provide an updated copy of District procedures to ODE.	November 15, 2024 January 15, 2025

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)).

Action Required	Submissions	As Soon As Possible But No Later Than Due Date
2. Train all special education staff on the District’s written procedures to include the IDEA requirement for PWNs being provided to Parent(s) prior to implementation of IEPs and provision of FAPE.	Provide copies of agenda and training materials, and participant sign-in sheet to ODE.	Completed August 22, 2024

Dated: this 29th Day of October 2024



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 29th, 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).)