

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Portland ) FINDINGS OF FACT,  
School District 1J ) CONCLUSIONS, AND  
) STIPULATED CORRECTIVE ACTION  
) Case No. 24-054-060

**I. BACKGROUND**

On September 24, 2024, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the attorney (Attorney) for a parent (Parent) of a student (Student) residing in the Portland Public Schools District (District). The Complaint 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 by email September 24, 2024. The Complaint also included the following exhibits:

1. Student IEP, 4/1/2024
2. Email: Fwd: Support Schedule, 9/4/2024
3. Email: Fw: Para Support Update (today), 9/23/2024
4. Email: Fw: Welcome from the Learning Center, 9/24/2024
5. Email: Adult Support, 9/3/2024
6. Email: Re: Adult Support, 9/4/2024
7. Email: Fwd: [Student] Para Support, 9/9/2024
8. Email: Fwd: Update on daily para support, 9/23/2024
9. Email: Fw: Conversation with [Student] on 9/23/24 about no support, 9/24/2024

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 Parents and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On September 30, 2024, the Department’s Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of October 14, 2024.

The District timely submitted a *Response* on October 14, 2024. The *Response* included a narrative, and the following relevant documents upon which the Investigator relied:

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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)

1. District Written Response to Complaint
2. Student IEP, 4/1/2024
3. Notice of Team Meeting, 3/1/2024
4. Meeting Minutes, 4/1/2024
5. Prior Written Notice, 4/1/2024
6. Early Childhood Special Education Evaluation Report, 4/8/2019
7. Eligibility Summary Statement, 4/4/2022
8. Prior Written Notice, 4/4/2022
9. Student IEP Progress Report, 1/29/2024
10. Student IEP Progress Report, 4/8/2024
11. Student IEP Progress Report, 6/14/2024
12. List of Knowledgeable Staff
13. District Exhibit List

On October 21, 2024, the Parent, through their Attorney submitted a timely *Reply* via email.

On October 18, 2024, the Department’s Complaint Investigator discussed this matter with the District’s Attorney. The Complaint Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. 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 September 25, 2023, to the filing of this Complaint on September 24, 2024.

| Allegations   | Conclusions   |
|---|---|
| <p><b>When IEPs Must Be In Effect</b></p> <p>It is alleged that the District violated the IDEA when it failed to implement the Student’s IEP as written. Specifically, it is alleged that the Student’s IEP provides for 250 minutes per day of paraeducator support, but that the Student generally received only 135 minutes of support or, at times, no paraeducator support.</p> <p>(OAR 581-012-2220; 34 CFR §§ 300.323 &amp; 300.324)</p> | <p><b>Not Contested</b></p> <p>The District does not contest this allegation.</p> |

|                                    |
|------------------------------------|
| <b>REQUESTED CORRECTIVE ACTION</b> |
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The Parents request that the District:

- Immediately implement the Student's IEP as written;
- Provide the Student with compensatory education for the time the District did not provide the paraeducator support outlined in the Student's IEP;
- Train all District staff in the proper implementation of IEPs;
- Training for all District staff on the importance of following up and responding to parent requests for assistance and information, including answering emails; and
- Scheduling an IEP team meeting for the Student within 15 days of this Final Order.

### III. FINDINGS OF FACT

1. The Student in this case is eleven years old and attends the fifth grade in a district middle school. The Student is eligible for special education under the category of Other Health Impairment (OHI).
2. On September 24, 2024, the Complainant, through their Attorney, filed this Complaint.
3. On October 14, 2024, the District submitted its *Response*, indicating that it was not contesting the allegation in this Complaint. The District stipulated to the corrective action in this order.
4. On October 21, 2024, the Parent, through their Attorney, submitted a *Reply*, to the District's *Response*. The Complainant's Attorney requested compensatory education to address the deficiencies outlined in the Complaint.

### IV. DISCUSSION

The Complainant 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 and the District stipulates to the following Corrective Action:

### VII. STIPULATED CORRECTIVE ACTION<sup>3</sup>

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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)).

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

| <b>Action Required</b>  | <b>Submissions</b>  | <b>Due Date</b>   |
|---|---|-------------------|
| 1. The District will provide paraeducator support as required by the Student's IEP.   | Evidence of staff assignment to ODE.  | December 2, 2024  |
| 2. Following the District staffing the paraeducator position, the District will convene an IEP team meeting to determine the impact to the Student of the lack of paraeducator support during this time, and whether the Student requires compensatory education as a result. | Evidence of IEP meeting and compensatory education plan, if determined necessary. | December 16, 2024 |
| 3. The District must ensure that all District staff responsible for implementing IEPs for this Student receives training in IEP Implementation.   | Training agenda/materials to District Support Specialist for review/approval.     | January 15, 2025  |
|   | Sign-in sheet for training.   | April 1, 2025     |

Dated: this 21st Day of November 2024



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Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

Emailing Date: 21st Day of November 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 provision of ORS § 183.484. (OAR 581-015-2030 (14).)