

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J)	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	CORRECTIVE ACTION
)	Case No. 24-054-061

I. BACKGROUND

On September 26, 2024, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from and interested individual (Complainant) in the Portland School District 1J (District). The Complainant alleged a systemic violation of the Individuals with Disabilities Education Act (IDEA) in three intensive skills classes and the learning center at a specific District school (District School). The Complainant 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

In their Complaint, the Complainant alleged two IDEA violations, including failure to provide special education and related services in accordance with students’ IEPs at the District school; and failing to ensure that assistive technology devices or services were made available to students with disabilities when required as part of the students’ special education, related services, or supplementary aids and services, at the District School.

On October 4, 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 October 18, 2024. On October 9, 2024, the Department’s Complaint Investigator sent an amended *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a new *Response* due date of October 23, 2024.

On October 23, 2024, the District submitted to the Department a *Response* to the Complaint. The District did not contest any of the allegations. The *Response* included facts relevant to the allegations contained in the Complaint, corrective action the District has already undertaken, as

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

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

well as a proposal for further corrective action. The District submitted the following relevant items:

1. District’s written *Response* with proposed corrective action, 10/23/24
2. A list of students on the District SLP’s 2023-24 caseload, 2023-24
3. A list of students on the District SLP’s 2024-25 caseload, 10/23/24
4. Two representative letters sent from the District to the affected families, 4/9/24
5. Status of services for two affected students, 7/31/24 and 10/15/24
6. Email sent from the District to the affected families, 9/20/24

The Complaint Investigator discussed the nature and content of the District’s proposed corrective action with the Complainant on October 24, 2024. The Complainant was provided an opportunity to provide additional input regarding proposed corrective action. 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 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 September 27, 2023, to the filing of this Complaint on September 26, 2024.

Allegations	Conclusions
<p>When IEPs Must Be in Effect</p> <p>The Complaint 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>Assistive Technology</p> <p>The Complaint alleges that the District violated the IDEA by failing to ensure that assistive technology devices or services were made available to students with disabilities when required as part of the students’ special education, related services, or supplementary aids and services, at the District School.</p> <p>(OAR 581-015-2055; 34 CFR § 300.105)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>

REQUESTED CORRECTIVE ACTION

The Complainant requests that the Department order the District to take the following corrective action:

- The District cannot simply send home a letter offering compensatory services at some removed location. Our families in our school community face multiple barriers, such as language (non-English speaking), lack of transportation, multiple jobs making it difficult to transport their child outside of school hours, and difficulty navigating systems for other reasons. Offering compensatory services in this way is not a genuine offer of compensatory education if families are unable to access it. It is an equity issue. I want an investigation into what services were offered and how many of our families were able to access it.
- The students need in-school extra speech language service time to make up for all the thousands of minutes of services they have not received. They need direct and ongoing augmentative communication help – setting up their devices, acquiring devices when needed, training staff on the devices, and creating new curriculum content as it is needed so they can meaningfully participate in their lessons and in interacting with their peers.

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. The Speech Language Pathologist (SLP) assigned to the District School went on leave in late September 2023. The SLP's absence continued into the 2024-25 school year, through the filing of this complaint.
3. The District reported, "Despite its best efforts, the District was unable to secure a substitute for the students on the SLP's caseload during the 2023-2024 school year. In spring 2024, the District contracted with two private providers who began providing virtual speech language services to students on the absent SLP's caseload for the remainder of the 2023-2024 school year."
4. All students at the District School on this SLP's caseload missed services during this time.
5. The District provided a list of the 29 students affected by the SLP's absence during the 2023-24 school year. Four of these students also had "assistive technology devices whose services have been impacted by the SLP's leave."
6. The District provided a copy of two letters dated April 9, 2024, described as "letters to the affected families explaining the amount of compensatory services owed to each student and offering families the option of receiving make-up services through a District contracted provider or receiving reimbursement for services secured by the family." The

District reported that a similar letter was sent to the family of each affected student in April 2024.

7. The District reported it only received a response to these letters from two families. Both families elected to receive virtual services. One of the two students has been receiving virtual services since June 2024. The other student attended two virtual sessions but the family then “discontinued services.”
8. The District provided a list of 39 students affected by the SLP’s absence during the 2024-25 school year. Five of these students also had “assistive technology devices whose services have been impacted by the SLP’s leave.”
9. The District’s Assistant Director of Special Education emailed the affected families on September 20, 2024, to notify them “of the options to pursue compensatory communication services.” The District provided a copy of this email.
10. 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 IDEA violations with 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. 024-054-061*

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

Action Required	Submissions	Due As Soon As Possible But No Later Than
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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>1. The District must provide:</p> <p>a. Training to relevant staff working at the District School on IEP implementation and assistive technology services.</p> <p>b. Evidence of training completed by relevant staff working at the District School.</p>	<p>Training agenda/materials to ODE for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>December 6, 2024</p> <p>March 7, 2025</p>
<p>2. The District will:</p> <p>a. Contact the parents or guardians of all students who did not receive speech-language services and/or assistive technology services in accordance with their IEPs and explain the students’ loss of speech-language and/or assistive technology services.</p> <p>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 missed services.</p> <p>c. The District will 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 services by a licensed provider reimbursement of up to \$80 dollars per hour.</p> <p>d. Give parents or guardians prior written notice of the compensatory speech-language and assistive</p>	<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>December 6, 2024</p> <p>March 7, 2025</p> <p>May 30, 2025</p> <p>November 15, 2025</p>

technology services.		
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Dated: this 21st Day of November 2024



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: November 21st, 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).)