



# Oregon

Tina Kotek, Governor



OREGON  
DEPARTMENT OF  
EDUCATION

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**Dr. Charlene Williams**  
Director of the Department of Education

October 19, 2023

**BY EMAIL**

Megan Robertson  
837 NE 44<sup>th</sup> Ave  
Portland, OR 97213

Superintendent Guadalupe Guerrero  
Portland Public Schools  
501 N. Dixon Street  
Portland, OR 97227

RE: Case #2019-MM-10

Dear Megan Robertson and Superintendent Guerrero:

This letter is the final order on the April 21, 2019, appeal filed by Megan Robertson (Complainant) alleging that Portland Public Schools violated OAR 581-022-2325 (requiring school districts to identify intellectually talented and academically gifted students), 581-022-2330 (setting forth the rights of parents and legal guardians of TAG students) 581-022-2500 (setting forth requirements for district programs for talented and gifted students), and 581-022-2370 (setting forth the essential elements of school district complaint processes).

To ensure compliance with these rules, the Oregon Department of Education reviews school district procedures and makes findings of fact to determine whether a violation occurred and what action, if any, should be taken.<sup>1</sup>

### **APPELLATE PROCEDURES FOR COMPLAINTS ALLEGING DISCRIMINATION**

The Oregon Department of Education has jurisdiction to resolve this appeal under OAR 581-002-0003. When a person files with the department an appeal of a complaint alleging a violation of a rule or provision codified in Oregon Administrative Rules Chapter 581, Division 22 (a Division

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<sup>1</sup> The administrative rules governing the Oregon Department of Education's appeals process are OAR 581-002-0001 to 581-002-0023.

22 standard), the department will initiate an investigation to determine whether the violation may have occurred.<sup>2</sup>

If the department determines that the violation did not occur, the department must issue a final order as described in OAR 581-002-0017.<sup>3</sup> The Director of the Oregon Department of Education may for good cause extend the time by which the department must issue a final order.<sup>4</sup>

If the department determines that violation may have occurred, the department must issue a preliminary final order to the complainant and the school district.<sup>5</sup> The preliminary final order must include a reference to the district decision that is on appeal, the procedural history of the appeal, the department's preliminary findings of fact, and the department's preliminary conclusions.<sup>6</sup>

If the department issues a preliminary final order, the complainant and school district must attempt to reach an agreement on how to resolve the matter through conciliation.<sup>7</sup> If conciliation fails, the department will issue a final order as described in OAR 581-002-0017.<sup>8</sup> The final order must include a reference to the district decision that is on appeal, the procedural history of the appeal, the department's findings of fact, the department's conclusions, and a short explanation of any corrective action required by the school district.<sup>9</sup>

If conciliation succeeds, the department continues to have jurisdiction over the matter until the terms of the conciliation agreement are fulfilled.<sup>10</sup> The department may investigate a school district's compliance with a conciliation agreement to determine whether the district fulfilled the terms of the agreement.<sup>11</sup> The department may issue a final order adopting the findings and conclusions of a preliminary final order if the department finds substantial evidence that the school district failed to fulfill a term under the agreement.<sup>12</sup>

In this appeal, the department issued a preliminary final order on January 6, 2022, finding that multiple violations of Division 22 standards – specifically, OAR 581-022-2325(2)(e), OAR 581-022-

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<sup>2</sup> OAR 581-002-0009.

<sup>3</sup> OAR 581-002-0009(3)(a)(B).

<sup>4</sup> OAR 581-002-0009(3)(b).

<sup>5</sup> OAR 581-002-0009(3)(a)(A). Note: On April 26, 2023, the State Board of Education adopted amendments to OAR 581-002-0009 that changed the processes by which the Oregon Department of Education processes appeals alleging a violation of a Division 22 standard. This case was accepted before those amendments were adopted. For that reason, OAR 581-002-0009 as in effect before the rule change applies.

<sup>6</sup> *Id.*

<sup>7</sup> OAR 581-002-0011. NOTE: On April 26, 2023, the State Board of Education adopted amendments to OAR 581-002-0011, removing violations of Division 22 standards from the conciliation process. This case was accepted before those amendments were adopted. For that reason, OAR 581-002-00011 as in effect before the rule change applies.

<sup>8</sup> OAR 581-002-0011(8).

<sup>9</sup> OAR 581-002-0017(2).

<sup>10</sup> OAR 581-002-0011(5)(d)(B).

<sup>11</sup> OAR 581-002-0011(5)(d)(D).

<sup>12</sup> OAR 581-002-0011(5)(d)(E).

2330, and OAR 581-022-2500(4) – may have occurred. After the issuance of that order, Complainant and the district entered into a conciliation agreement on June 13, 2022.

On September 6, 2023, the department received a report from the Complainant that the district was not in compliance with the conciliation agreement. On September 12, 2023, the department met with the district. At that meeting, the district stated that it was not in compliance with the conciliation agreement.

## **PROCEDURAL BACKGROUND**

### *A. Initial Complaint Filed with Portland Public Schools*

On April 29, 2019, Complainant filed a complaint with Portland Public Schools alleging the following:

- The district failed to meet the basic academic needs of TAG students. Specifically, the district failed to properly provide the proper rate and level of instruction for TAG students at each grade level and of each demographic group.
- The district failed to evaluate its implementation of TAG services.
- The district failed to provide information to students and parents and legal guardians of students critical to understanding the rights of TAG students, opportunities available to TAG students, and the procedures that TAG students needed to follow to take advantage of those rights and opportunities. Specifically, the district failed to provide information pertaining to testing, student performance, relevant district and school meetings, procedures related to early entry into Kindergarten, procedures related to admission to the district’s ACCESS Academy Alternative Program<sup>13</sup>, and accelerative learning opportunities for high school students.
- The district had a dysfunctional complaint process that prevented parents from receiving a timely response to their concerns.
- The district failed to implement a system-wide approach to identifying students who have special education needs or who are English Language Learners (ELL students) for TAG programs.

On May 29, 2019, the district’s Senior Director for College and Career Readiness responded to Complainant’s complaint.

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<sup>13</sup> The district’s ACCESS Academy Alternative Program is an accelerated learning program for students who perform at a high-level.

With respect to whether the district failed to meet the basic academic needs of TAG students, the director wrote that there were “inconsistent practices across the district” and that “[t]he district has plans to address access for students.” The director wrote:

[T]hrough the creation of the guaranteed and viable core curriculum (GVC), PPS is creating and compiling a comprehensive curriculum so that all students, no matter what school they attend, have consistent access to rich and rigorous learning experiences. In 2019-2020, teachers will plan lessons that reflect the initial implementation of the GVC scope and sequence in ELA K-12, math K-12, and science 6-12. ELA, math and science will have pilot units of study available for all teachers and principals to use and provide feedback. The units of study will include priority and supporting standards, unwrapped priority standards, big ideas and essential questions, tasks and assessments using different levels of rigor for students from Bloom’s Taxonomy, Webb’s DOK, and Costa’s Levels of questioning. Additionally, the units will include enrichment and extension ideas for serving the rate and level of TAG students and strategies for challenging gifted learners.

With respect to high school TAG students, the director found that “services vary by campus,” acknowledging that “enrollment in an IB, AP, or Honors class does not automatically show that a TAG student’s rate and level of learning are being addressed.” The director wrote, “The classroom teacher, in cooperation with the school’s TAG facilitator, administrative team, and district policy, should still be monitoring the student’s academic needs to assure that his or her rate and level of learning are being appropriately addressed in the classroom instruction.”

With respect to whether the district failed to evaluate its implementation of TAG services, the director acknowledged that “there are inconsistent practices across the district.” The director wrote that the district had “created a plan [the Portland Public School District Talented and Gifted Education Plan 2019-2022] to address implementation and evaluation in the future.” The director summarized the plan as follows:

The district uses data through the use of nationally normed instruments for identification of talented and gifted students. Information gathered through these assessment instruments allows the TAG department to analyze the effectiveness of our processes to identify historically underserved Portland Public School students.

\* \* \* \* \*

School services will be assessed and modified in the building plan based on TAG student needs. The TAG department will provide a year-end survey to building leaders to assist in evaluating their TAG Building Plans. TAG instructional “look fors” will be provided to school leaders by the TAG department as a tool for classroom observations to support rate and level of TAG students.

With respect to whether the district failed to provide information critical to understanding the rights of and opportunities available to TAG students, the director wrote that “communication is currently adequate and could be improved.” The director pointed out that the information was available on the district website. The director also pointed out that information is provided by email to families with a TAG student, including the dates and agendas of meetings. At the beginning of each school year, each TAG facilitator provides parents with information about TAG programs at Fall Parent TAG night. TAG facilitators also provide information to parents on designated TAG bulletin boards, which contain TAG forms, information pertaining to upcoming tests and events, and the contact information of TAG facilitators.

With respect to whether the district had a dysfunctional complaint process that prevented parents from receiving a timely response to their concerns, the director wrote, “Portland Public Schools welcomes expressions of concerns as opportunities to learn, clarify our intentions, and engage in continuous improvement to benefit all students.” The director specified that “[t]he formal complaint process is one of a set of tools to resolve school-based problems and other issues. The instructions, action steps, and timelines are outlined in [the district’s complaint policy].” The director found that “parents receive responses to their complaints that are consistent with Division 22 requirements.”

Finally, with respect to whether the district failed to implement a system-wide approach to identifying for TAG programs students who have special education needs or who are ELL students, the director did not respond to Complainant’s allegation.

In summary, the director found that

there is not a system-wide approach to instructional practices for talented and gifted students in classrooms across Portland Public Schools. Targeted TAG instructional practices vary by campus and teacher. In 2019, PPS will again self-report being out of compliance in the Division 22 area of meeting rate and level of TAG students in the instructional setting.

The director concluded their response by referring to the Portland Public School District Talented and Gifted Education Plan 2019-2022, stating that the plan was “an attempt to address the variability in TAG services across PPS.” The director concluded their response by discussing a district five-year plan to implement individual TAG instructional plans.

*B. Appeal to Portland Public Schools’ Superintendent*

On June 3, 2019, Complainant appealed the response issued by the Senior Director for College and Career Readiness to Portland Public Schools’ Superintendent. Complainant wrote,

In responses to the complainants’ statement that there is inadequate and inequitable communication of critical TAG-related information to families, PPS allows that “Communication of TAG updates, information, processes and procedures to families are accessible on the district site . . . . Communication is currently adequate and could be improved.”

There are “inconsistent practices across the district” regarding access to services and to appropriate classes at every level—elementary, middle and high. “The district has plans to address access for students” by creating the guaranteed and viable core curriculum (GVC) which it says “will offer differing levels of rigor” and “will include enrichment and extension ideas for serving the rate and level of TAG students, and strategies for challenging gifted learners.” Pilot units of study are planned for the 2019-20 school year.

[The] finding regarding the complainants’ assertion that it lacks appropriate high school TAG services “is that practices vary by campus” and that TAG “services vary by campus.”

In response to the complainants’ assertion that the district consistently fails to evaluate its TAG services, PPS says that currently “there are inconsistent practices across the district” and that it “has created a plan to address implementation and evaluation in the future.”

Complainant asserted that the director’s response “confirms that PPS has been out of compliance with the Oregon TAG mandate and will remain out of compliance for the next year and for years

to come.” Complainant further asserted that “the district has offered no specific steps to remediate the many problems listed in the complaint.” Finally, Complainant requested to appeal the director’s response to the district’s superintendent.

On July 3, 2019, the district’s Chief Academic Officer responded to Complainant’s appeal. In that response, the officer wrote,

In practice, every campus in PPS should have a campus TAG plan that is unique to their school and their programs. These campus TAG plans will be posted on the district website and will be updated annually with input from TAG facilitators, campus administration, and the district TAG department. Currently, the district provides individual TAG plans for students based on parent request.

The officer then quoted the goals of the Portland Public School District Talented and Gifted Education Plan 2019-2022: (1) to improve screening for TAG students; (2) to train TAG facilitators, teachers, and administrators in identifying TAG students and understanding TAG program concepts, such as assessed levels of learning and accelerated rates of learning; (3) to create differentiated lessons, activities, opportunities, and projects for viable core curriculum; (4) to use formative assessment to inform instruction; and (5) to create individual instructional plans for TAG students.

The officer’s response did not specifically address certain aspects of Complainant’s appeal, including whether the district failed to provide information critical to understanding TAG students’ rights and opportunities and whether the district’s TAG program failed to properly identify students who have special education needs or who are ELL students.

The officer concluded their response by writing, “Completing this investigation was a helpful and informative process and will be used as we continuously improve our practices for serving TAG students.”

*C. Appeal to Portland Public Schools’ Board of Directors*

On July 22, 2019, Complainant requested to appeal the response issued by the Chief Academic Officer to Portland Public School’s Board of Education. In that appeal, Complainant wrote,

Portland Public Schools (PPS) has been out of compliance with Oregon TAG law for most of the last 20 years [which] represents a pervasive, long-term, district-wide pattern of non-compliance with state mandates. We raise these issues on behalf of all students who

are or should be identified as talented and gifted (TAG) or whose rate and level of learning requires above-benchmark instruction.

In short, PPS does not, and has no substantive plan to, “accommodate [students’] assessed levels of learning and accelerated rates of learning.”

The Step 1 findings close with the statement that “PPS will again self-report being out of compliance in the Division 22 area of meeting rate and level of TAG students in the instructional setting.”

Regarding our statement that PPS lacks appropriate high school TAG services, the district agrees that “[E]nrollment in an IB, AP, or Honors class does not automatically show that a TAG student’s rate and level of learning are being addressed . . . [T]he finding regarding this complaint is that services vary by campus.”

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Regarding our assertion that the district consistently fails to evaluate its TAG services, PPS says that “there are inconsistent practices across the district” and that it “has created a plan to address implementation and evaluation in the future.”

\* \* \* \* \*

Regarding our frustration with PPS’ dysfunctional complaint process, PPS found that “parents receive responses to their complaints that are consistent with Division 22 requirements.”

\* \* \* \* \*

We ask the PPS Board of Directors to review the related materials and to issue a final decision that provides immediate and substantive mitigation measures to meet the rate and level of learning of its students.

On July 23, 2019, the district’s Senior Board Manager for the district’s Board of Education emailed Complainant verification that the District Board Office had received their appeal. The following day, on July 24, 2019, an email from the manager to the members of the board described the nature of the appeal.



This appeal is scheduled to be voted on by the board at their August 13th meeting. Since this complaint about TAG programs and services[] lists several concerns, I think this may be a little tricky for the board to figure out exactly what they are deciding to uphold or overturn. Based on prior complaints where there is not a clear “verdict” on whether to uphold a decision, I recommend that prior to the August 13th meeting, that we have an idea of what it would mean to “provide immediate and substantive mitigation measures to meet the rate and level of learning of students” and what it would take to implement immediately.

On August 5, 2019, the district’s Confidential Executive Assistant to the Executive Chief of Staff emailed Complainant that the district’s Board of Education had “tentatively scheduled” to hear Complainant’s appeal on August 13, 2019.

At the August 13, 2019, meeting, the board heard Complainant’s appeal. Three members of the public testified to corroborate Complainant’s allegations. The board voted to uphold the Superintendent’s response to Complainant. The board specified that this vote constituted the district’s final decision with respect to Complainant’s complaint.

*D. Appeal to the Oregon Department of Education*

On August 8, 2019, Complainant filed an appeal of the final decision issued by Portland Public Schools with the Oregon Department of Education. The department accepted the appeal on the basis that Complainant had alleged, at each step in the district’s complaint process, facts that if proven true would constitute a violation of either OAR 581-022-2325, 581-022-2330, 581-022-2370, or 581-022-2500.<sup>14</sup>

*E. District Response to Complainant’s Appeal with the Oregon Department of Education*

Pursuant to OAR 581-002-0009, Portland Public Schools provided the Oregon Department of Education with a response to Complainant’s appeal. The district provided the response on September 20, 2019. In the district’s response, the district provided the following description of its TAG program:

TAG services in PPS elementary schools center primarily within each student's classroom. These classrooms are mixed-ability classrooms, where the teacher differentiates instruction according to classroom assessments.

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<sup>14</sup> See OAR 581-002-0005(1)(a) (specifying that the Oregon Department of Education will accept an appeal of a complaint alleging a violation of a Division 22 standard if the complainant receives from the school district a final answer) and 581-022-0005(1)(a)(A) (specifying that for purposes of OAR 581-002-0005, a complainant receives from a school district a final answer if the complainant exhausts the school district’s complaint process).

\* \* \* \* \*

Students are either randomly placed in classrooms or they are placed in classrooms for math and/or reading according to ability, determined by pre-assessment. In classrooms where students are randomly assigned, we expect to see instruction differentiated for each student's level and rate of learning [sic]. In [classrooms] of like-ability students, we expect to see instruction at a higher rate and level.

\* \* \* \* \*

The enrollment in most PPS high school classes is by mixed ability, and instruction should be differentiated to meet the student's rate and level of learning.

\* \* \* \* \*

High Schools also offer a variety of advanced courses. These include AP (Advanced Placement), IB (International Baccalaureate), Dual Credit (High School and College Credit using the college text and syllabus), and Honors level courses. Some high school students take online courses, independent study or correspondence courses; or co-enroll in high school and college at the same time to meet their academic and intellectual needs.

The district then addressed Complainant's specific allegations.

With respect to the requirement that school districts have a plan for establishing a TAG program, the district wrote, "[The district] does have a comprehensive plan that addresses all areas required by the regulation. [The district] submitted the plan to [the department] on January 15, 2019, and has not had any indication from [the department] that the plan is not sufficient."<sup>15</sup>

With respect to whether the district effectively communicated with students and parents and legal guardians of students about its TAG program and the program's ancillary services, the district wrote, "[The district] has a variety of communication methods and processes. We inform parents of identification of programs and services available; we have

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<sup>15</sup> See OAR 581-022-2500(1) ("Each school district shall have a written plan for programs and services beyond those normally provided by the regular school program in order to realize the contribution of talented and gifted children to self and society.") and 581-022-2500(2) ("The written plan for programs and services for talented and gifted children shall be submitted to the Oregon Department of Education on a date and in a format provided in guidance documents provided by the Oregon Department of Education.").

comprehensive information on the [district's] TAG Department website; and we provide parents an opportunity provide input through" surveys, events, and parent-teacher conferences.

With respect to whether the district effectively identified TAG students, the district wrote,

The TAG Department receives OSAS scores from the state in the fall and notifies parents by mail when their child has a score that could qualify their student as TAG. The TAG Department universally tests all second graders for intellectual identification and informs parents of possible qualification. The TAG Department assesses any student that a parent has nominated in the spring of each year for academic and intellectual giftedness if not already identified in that area.<sup>16</sup>

With respect to the requirement that TAG students be taught at the proper rate and level of learning, the district wrote,

[The district] is diligently working in a systematic way to comply [with those requirements] by supporting schools to provide the classroom best practices appropriate for their students. As explained above, especially with recent training, our teachers use assessments to differentiate curriculum, provide individualized instruction, and, when appropriate, opportunities for independent study. [The district] utilizes single-subject and whole-grade acceleration as appropriate. These strategies are offered throughout grade levels, and high schools have AP, IB, Dual Credit courses, among other opportunities to meet assessed levels of learning and rates of instruction.

\* \* \* \* \*

[The district] is implementing NWEA MAP exams [allowing the district to] train teachers in a comprehensive manner to use student rate and level reports to provide flexible grouping opportunities across the system.<sup>17</sup>

With respect to the professional development of staff necessary to comply with the law, the district wrote,

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<sup>16</sup> See OAR 581-022-2325(2) (specifying both mandatory and optional criteria for identifying TAG students).

<sup>17</sup> See OAR 581-022-2500(4) ("The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.").

As explained above, especially with recent training, our teachers use assessments to differentiate curriculum, provide individualized instruction, and, when appropriate, opportunities for independent study.

\* \* \* \* \*

[W]e are developing a system-wide approach to the incorporation of the dimensions of depth and complexity, which is a practice that currently varies by campus and teacher. PPS is creating a guaranteed and viable core curriculum across the district. This guaranteed and common core curriculum will include depth of knowledge . . . dimensions and extension opportunities in math and ELA units as developed.

Finally, with respect to whether the district properly processes the complaints of students and parents and legal guardians of students, the district wrote that it “has a complaint process consistent with the requirements of [the law].”<sup>18</sup>

The district also provided the following information in support of its response:

- A description of the structure, staffing, and duties of the district’s TAG department.
- A description of the duties of TAG facilitators at each school.
- A description of the role of the district’s TAG Parent Advisory Committee.
- A description of the process for identifying second grade students “using the CogAT 7 screener” to identify second grade students who meet “the screener threshold to take the full CogAT.”
- The total number of TAG assessments performed during the 2018-2019 school year.
- The total number to TAG students identified during the 2019-2020 school year.
- A description of processes used at a district special school program and at a district-sponsored charter school used to identify TAG students.
- The digitalized cumulative folder of a TAG student.
- Proof of having adopted the non-verbal Naglieri Nonverbal Ability Test “to identify intellectual abilities in students instead of the CogAT used in previous years” for

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<sup>18</sup> See OAR 581-022-2270 (setting forth essential elements of school district complaint processes).

purposes of providing a “culture-fair, nonverbal measure of reasoning and problem-solving abilities.”

The district summarized its response by asserting that it is “committed to follow through on the TAG Plan” and that it “continually strives to improve in all aspects of work with talented and gifted children and their families.”

*F. Issuance of Preliminary Final Order and Conciliation*

On January 6, 2022, the Oregon Department of Education issued a preliminary final order, finding that multiple violations of Division 22 standards may have occurred. Specifically, the department found that Portland Public Schools may have violated OAR 581-022-2325(2)(e), OAR 581-022-2330, and OAR 581-022-2500(4). After the issuance of that order, Complainant and the district entered into a conciliation agreement on June 13, 2022.

*G. Report of Non-compliance*

On September 6, 2023, the department received a report from the Complainant that Portland Public Schools was not in compliance with the conciliation agreement. On September 12, 2023, the department met with the district. At that meeting, the district stated that it was not in compliance with the conciliation agreement.

**FINDINGS OF FACT**

After conducting its investigation, the Oregon Department of Education makes the following findings of fact:

1. As part of this final order, the department adopts the findings of fact set forth in the preliminary final order issued by the department on January 6, 2022.
2. On September 12, 2023, the department met with the Portland Public Schools. At that meeting, the district stated that it was not in compliance with the conciliation agreement entered into by Complainant and the district on June 13, 2022.

**ANALYSIS, CONCLUSIONS, AND CORRECTIVE ACTION**

Because Portland Public Schools stipulated on September 13, 2023, that it was not in compliance with the conciliation agreement entered into by Complainant and the district on June 13, 2022, the Oregon Department of Education finds that there is substantial evidence that the district violated the terms of the conciliation agreement.

In consideration of the findings of fact and analysis set forth in the preliminary final order issued on January 6, 2022, the department orders the district to do the following through July 1, 2027:

- The district must provide annual training to licensed district staff about identifying TAG students in accordance with OAR 581-022-2335. The training may include a “refresher” option for staff who were trained during a previous school year. Before providing the training for the 2024-2025 school year, the district must submit the training’s content to the Oregon Department of Education for review and incorporate into the content any departmental feedback. The training may include a “refresher” option for staff who were trained during a previous school year. The training may include a “refresher” option for staff who were trained during a previous school year. The training may include a “refresher” option for staff who were trained during a previous school year.
- The district must provide annual training to licensed district staff about rate and level instructional practices. The training may include a “refresher” option for staff who were trained during a previous school year. Before providing the training for the 2024-2025 school year, the district must submit the training’s content to the Oregon Department of Education for review and incorporate into the content any departmental feedback.
- The district must track and keep data on licensed district staff who have been trained. By the end of each school year, the district must submit to the Oregon Department of Education data reflecting the numbers and percentages of all licensed district staff who have been trained and who have not been trained.
- The district must disseminate a slide deck to all district schools to use during back-to-school nights. The slide deck must include the following:
  - Information about TAG programs and services offered by the district;
  - An explanation of rate and level instruction and examples of rate and level instructional practices;
  - An overview of TAG personal education plans (PEPs);
  - A list of TAG-related opportunities offered by the district throughout the school year; and
  - A description of protocols related to advocating for TAG students and filing complaints.
- The district must develop a plan for proactively communicating with parents and families that PEPs are available to TAG students. Before implementing the plan for the 2024-2025 school year, the district must submit the plan and content of the

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communication to the Oregon Department of Education for review and incorporate into the plan and communication any departmental feedback.

- The district must develop a plan to ensure that district administrators have opportunities to observe rate and level instructional practices used in classrooms and assist educators in using TAG best practices. Before implementing the plan for the 2024-2025 school year, the district must submit the plan to the Oregon Department of Education for review and incorporate into the plan any departmental feedback.
- The district must post no later than July 1 of each calendar year a report on the district website, highlighting the following:
  - Opportunities for licensed district staff to train on identifying TAG students in accordance with OAR 581-022-2335 and on using rate and level instructional practices;
  - Numbers and percentages of TAG students identified at every school, disaggregated by demographics, including race, ethnicity, socioeconomic status, and other program eligibility, including for English language learners and special education students;
  - Numbers and percentages of TAG students identified at every school as compared to the previous school year, disaggregated by grade level;
  - The district's progress toward accomplishing its TAG goals as outlined in the district-level TAG plan.
- The district must provide to Complainant no later than July 1 of each calendar year the annual report required to be posted on the district website by this order.

In fulfilling any of the terms of this final order, Portland Public Schools may contact the Oregon Department of Education for technical assistance.<sup>19</sup>

If you have any questions, please contact me.

Sincerely,



Mark Mayer, Complaint and Appeals Specialist  
Office of the Director  
[Mark.Mayer@ode.oregon.gov](mailto:Mark.Mayer@ode.oregon.gov)

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<sup>19</sup> The Oregon Department of Education's TAG subject matter expert is Angela Allen, who may be contacted at [angela.allen@ode.oregon.gov](mailto:angela.allen@ode.oregon.gov).