*BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION*

*FOR THE STATE OF OREGON*

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| In the Matter of the Standards Appeal against Portland Public Schools | ) ) | FINAL ORDER Case No. 581-022-1940-97 |

## *Introduction*

On June 7, 2004, the State Superintendent of Public Instruction issued an order in response to a complaint originally filed in 1997 alleging that Portland Public Schools (the "district" or "PPS") had failed to comply with statutes and administrative rules governing the provision of educational services to students who are academically talented or intellectually gifted ("TAG"). The Superintendent's order concluded that the district had complied with those legal standards. The complainants sought judicial review of the Superintendent's order in the Multnomah County Circuit Court. On October 7, 2005, the circuit court issued a General Judgment that set aside the Superintendent's order and remanded the case to the Superintendent with instructions to issue a new order. The Superintendent filed notice of appeal with the Oregon Court of Appeals, and the Court issued a temporary stay of the judgment pending appeal. On June 4, 2007, the Court of Appeals issued an order lifting the temporary stay as to parts of the judgment, including the requirement that the Superintendent conduct an independent investigation and issue a new order concerning the District's TAG program.

In April and May of 2007, the Oregon Department of Education (the "Department" or "ODE") conducted an independent investigation and compliance review to determine whether the district's program currently is in compliance with TAG statutes and administrative rules. Based on the information gathered in that investigation and review, the Superintendent issued a draft order on November 16, 2007 and invited comments and exceptions. The Department received comments from both PPS and the complainants. Having reviewed the comments and conducted further review, the Superintendent now issues the findings, conclusions and final order set forth below.

## Comments and Exceptions to the Draft Order

In response to comment from the district and the complainants, the Department made changes in the final order as discussed below.

The district objected that the draft order contained findings and comment that did not directly relate to the requirements of statutes and rules. The Department has removed a "Recommendations" section from the final order that contained non-binding suggestions for changes in the district's TAG program. Instead the Department will be issuing its recommendations to the district with a separate letter. The Department also deleted or modified some findings of fact that are not directly related to the district's legal obligations.