

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Tillamook School District 9)	FINDINGS OF FACT,
)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-033

I. BACKGROUND

On May 14, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent of a student (Student) residing in the Tillamook School District 9 (District). The Parent 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

On May 19, 2025, 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 June 4, 2025.

The District submitted a *Response* on June 2, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. Individualized Education Program (IEP), 10/08/24
2. Prior Written Notice (PWN), 04/16/25
3. IEP Amendment, 04/23/25
4. PWN, 04/23/25
5. Team Meeting Notes, 04/23/25
6. Notice of Team Meeting, 04/15/25
7. PWN, 05/20/25
8. Manifestation Determination Review, 05/20/25
9. Attorney Letter, 05/14/25
10. Team Meeting Notes, 05/20/25

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

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

11. Letter to Staff, no date
12. Email, re: [the Student], 05/19/25
13. Notice of Team Meeting, 05/14/25
14. Letter to Parent, 04/11/25
15. Attendance Record, 09/17/24-05/28/25
16. Contact Log, 09/03/24-05/22/25
17. Student Contact Log, 08/28/24-05/23/25
18. Email, re: [the Student] update request, 04/13-04/18/25
19. Email, re: assault on student..., 04/03-04/05/25
20. Email, re: Title IX report - 22/23, 04/02/25
21. Email, re: invitation...manifestation meeting..., 05/14/25
22. Email, re: notice of team meeting, 05/14/25
23. Email, re: invitation ... IEP meeting ... , 04/15/25
24. Email, re: manifestation determination, 05/13-05/14/25
25. Email, re: investigation interview, 05/0-05/08/25
26. Discipline of Students with Disabilities Policy JGDA, 03/10/08-05/13/19
27. Discipline of Students with Disabilities Policy JGDA-AR, 03/10/08-05/13/19

The Parent did not submit any materials.

The Parent declined an interview with the Complaint Investigator. The Complaint Investigator interviewed District personnel on June 24, 2025. The Complaint Investigator reviewed and considered all of 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 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 May 15, 2024, to the filing of this Complaint on May 14, 2025.

Allegations	Conclusions
<p>Disciplinary Removals of More than 10 School Days (Pattern or Consecutive)</p> <p>The Complaint alleged that the District violated the IDEA by “informally remov[ing] [the Student] from school for approximately six weeks.”</p> <p>(OAR 581-015-2415; 34 CFR § 300.530)</p>	<p>Not Substantiated</p> <p>During the Title IX investigation, the removals were not disciplinary in nature, and the District offered a variety of ways to provide FAPE to the Student, which the Parent declined.</p>

Allegations	Conclusions
<p>Manifestation Determination Review</p> <p>The Complaint alleged that the District violated the IDEA by not conducting a manifestation determination review when the Student was removed from school for disciplinary reasons for more than 10 school days.</p> <p>(OAR 581-015-2420; 34 CFR § 300.530(e)(f))</p>	<p>Not Substantiated</p> <p>The District conducted a manifestation determination review once the Title IX investigation was completed.</p>

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none"> “I am not sure what a proposed solution would be at this point, however, I want to make sure that this never happens to another student at this district [sic].”

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations to alleged violations occurring no more than one year before the Department’s receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before May 15, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student’s disability and special education history.

1. The Student is an eighth grader at a school in the District, who enjoys sports and athletic activities. The Student is eligible for special education services in the category of specific learning disability (SLD).
2. The Student’s current IEP was dated October 8, 2024. According to the IEP, the Student was to receive specially designed instruction (SDI) in Reading/Language Arts, provided by the case manager, for 200 minutes each month, from October 9, 2024 through October 7, 2025. The Student’s Supplementary Aids/Services and Accommodations, to be provided by the case manager, from October 9, 2024 through October 7, 2025, were listed as follows:
 - a. Grade and missing assignment checks with communication sent home regarding grades B or lower, in the general education advisory/discovery class, for 20 minutes weekly.
 - b. Access to the resource room, schoolwide, for 2,100 minutes weekly.
 - c. Preferential seating away from distractions, schoolwide, for 2,100 minutes weekly.
 - d. Access to separate seating, schoolwide, for 2,100 minutes weekly.
 - e. Access to audiobooks for class novels and/or reading time, in general education language arts, for 235 minutes weekly.
 - f. Calculator, schoolwide, for 2,100 minutes weekly.

- g. Checks for understanding, schoolwide, for 2,100 minutes weekly.
 - h. Extended time to complete assignments, up to one week, schoolwide, for 2,100 minutes weekly.
 - i. Access to assistive technology for text-to-speech, speech-to-text, and spelling support, schoolwide, for 2,100 minutes weekly.
 - j. Color overlay, color choices, line reader, schoolwide, for 2,100 minutes weekly.
 - k. Classroom-based assessments/assignments will not be counted down for spelling errors, schoolwide, for 2,100 minutes weekly.
 - l. Guided notes, or copies of notes, schoolwide, for 2,100 minutes weekly.
 - m. The Student's placement was to spend 80% or more of the day in the general education classroom.
3. The Principal completed a Title IX report on April 2, 2025 regarding an incident on March 31, 2025. The type of incident was marked as "harassment" and the Student was listed as "the perpetrator." The form indicated law enforcement was investigating, and that the response to "the perpetrator" would be determined once the investigation was complete.
 4. An email from the Complainant's attorney dated April 3, 2025, indicated the attorney believed the Student was being allowed to return to the School on the following Monday. The attorney wrote, "The [other parents] have not been told that the [S]chool was going to administer any discipline to the offending student"
 5. A letter from the Superintendent to the Parent, dated April 11, 2025, provided a summary of the meeting on April 7, 2025. The letter stated, in part, "... to remain in compliance with your child's IEP, a representative from [the District's] Special Education Department will be reaching out ... to schedule a meeting to review and adjust services as needed. ... In the interim, please contact [the Principal] before bringing [the Student] to any school district program or property, including [the School]. This will allow the school adequate time to plan for a safe and appropriate environment"
 6. The Parent emailed the Principal on April 13, 2025 and asked the Principal why the Student was not allowed to attend school. The Parent requested clarification about their options. The Principal forwarded the email to the Superintendent and the Special Education Director the next day. The Superintendent replied to the Parent on April 14, 2025 and stated they had sent a letter on April 11, 2025 summarizing what had happened and next steps. The Superintendent explained that they needed to schedule an IEP meeting to review the Student's plan and identify how to support the Student. They indicated that the Special Education Director would contact them to schedule that meeting. The Superintendent explained they were investigating the incident to determine what actions to take to keep both the alleged victim and the Student safe at school.
 7. The Parent emailed the Superintendent on April 14, 2024 and requested clarification on whether the Student was suspended or why the Student was being kept out of school. The Superintendent replied that they offered options which did not alter the Student's placement, and it was their understanding that the Other Parent chose distance learning rather than the Student attending school at an alternate location.

8. A Notice of Team Meeting, dated April 15, 2025, indicated an IEP meeting was scheduled for April 23, 2025. An email invitation was sent the same day regarding the IEP meeting. Some of the invited participants included the Special Education Director, the Principal, the Superintendent, and the Parent.
9. A PWN document, dated April 16, 2025, indicated:
 - a. The Parent, the Principal, and the Special Education Director met on April 7, 2025 to discuss alleged behavior which happened during a track practice and the status of a police report. At the time of the meeting, the Student had been absent from school for five days as the Parent kept the Student out of school. During the meeting, the District proposed alternative placements that could help ensure the safety of both students and prevent any further interactions. The options included: a possible transfer to a different campus within the District, enhanced learning supports, and curricular options to increase accessibility. The District believed the options would not alter the Student's current placement or services.
 - b. The District offered alternative schooling options and the family chose to pick up packets from the School and complete the work at home while the District conducted its investigation. It was noted the District would contact the Parent to schedule an interview with the Student.
 - c. An IEP team meeting was scheduled for April 23, 2025.
10. A PWN document, dated April 23, 2025, indicated:
 - a. The IEP team reviewed interim education options for the Student. The team extended a full offer of FAPE, including the following options: attendance at another school with adult support, enrollment in the Virtual Academy with adult support for a full day (available either in person or with virtual support). At the time of the meeting, the Parent declined the options and decided to continue accessing packet-based instruction from the School.
 - b. The Parent expressed concerns regarding the Student's access to their education and requested information about the investigation.
11. Team Meeting notes, dated April 23, 2025, reiterated the information from the PWN from the same day. It was written, "[The Parent] stated that [they] [did] not agree to [the Student] not being in school. [The Parent] [wants] [the Student] at school with [their] peers during [their] activities."
12. An email from the Superintendent to the Parent and the Other Parent, dated May 7, 2025, indicated the law enforcement investigation had ended. The Superintendent stated that if the Parent felt comfortable with the Student speaking to the School's investigator, they could arrange an interview. They also indicated the Student did not have to participate in an interview. The Parent replied that day and indicated their civil attorney had already contacted the investigator.
13. An email exchange between the Parent and the Principal from May 13-14, 2025, indicated:

- a. The Parent asked for an update on the Student's situation, who would attend the Manifestation Determination meeting, and about the School's investigation.
 - b. The Principal confirmed the attendees at the Manifestation Determination would include the Parent, the Assistant Superintendent, the Special Education Director, the Case Manager, the School Psychologist, one of the Student's teachers, and the Principal. The Principal deferred questions about the investigation to the Superintendent.
 - c. The Parent asked the Superintendent if the investigation was complete, and the Superintendent confirmed the investigation was finished.
14. An email invitation was sent on May 14, 2025 for a Manifestation Determination meeting scheduled for May 16, 2025. Some of the invited participants included the Special Education Director, the Principal, and the Parent. The same day, the Special Education Administrative Secretary emailed the Parent a copy of the Notice of Team Meeting. The Notice of Team Meeting, dated May 14, 2025, indicated a Manifestation Determination meeting was scheduled for May 16, 2025.
15. Manifestation Determination and Review, dated May 20, 2025, indicated:
 - a. The incident did not involve illegal drugs or controlled substances, weapons or dangerous instruments, or student transportation.
 - b. The team reviewed evaluation and diagnostic results, observation of the Student, disciplinary results, information provided by parents, current IEP and placement, and School staff reports.
 - c. For the team's conclusions, none of the boxes were marked "yes." The following boxes were marked "no":
 - i. "The conduct in question was the direct result of the [D]istrict's failure to implement the student's IEP";
 - ii. "The conduct in question was caused by or had a direct and substantial relationship to the student's disability(ies)"; and
 - iii. "The conduct subject to disciplinary action is a manifestation of the student's disability."
16. Team Meeting notes from May 20, 2025 detailed what occurred during the Manifestation Determination and Review meeting.
17. A PWN, dated May 20, 2025, indicated:
 - a. The team met on May 20, 2025 for a manifestation determination meeting. The summary of the investigation from the Law Firm was read aloud. The Parent also read a statement. The Principal reported there had been no disciplinary incidents before the one being reviewed that day.
 - b. The team decided the Student's behavior was not a manifestation of the Student's disability, and told the Parent they would contact them about next steps.
18. A letter from the Law Firm to the Superintendent, dated May 14, 2025, described the findings from the third-party investigator regarding the incident on March 31, 2025.

19. Attendance notes indicated the Student was on “personal leave” April 1, 2025 through April 4, 2025, and had excused absences April 7, 2025 through May 28, 2025. The former was a total of four school days, and the latter was for 37 days.
20. A District document for the 2024-25 school year indicated the District contacted the Parent on the following days:
- Three phone contacts on April 15, 2025.
 - Mailed documents on April 16, 2025.
 - Left a phone message on April 22, 2025.
 - Mailed documents on May 2, 2025.
 - Left a phone message on May 12, 2025 about the Manifestation Determination meeting.
 - Emailed and called the Parent on May 14, 2025 about the Manifestation Determination meeting.
 - Phone conversation with the Parent on May 15, 2025.
21. An undated District document indicated:
- On April 1, 2025, the Parent was contacted and told about the allegation against the Student, and that law enforcement had been notified.
 - The Principal contacted one of the parents on April 2, 2025 to follow up to the behavior incident.
 - On April 7, 2024, the Special Education Director contacted the Parent and discussed what the next steps would be while the investigation continued.
22. District Policy JGDA, Discipline of Students with Disabilities, stated in part, “When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if the student is receiving IEP services.” The policy outlined procedures also described in OAR 581-015-2415(1)(a)(b)(2)(3).
23. District Policy JGDA-AR defined “current educational placement” as “... the type of educational placement of the student as described in the student’s ‘annual determination of placement’ document at the time of the disciplinary removal. It does not mean the specific location or school by the types of placement on the continuum of placement options.” The policy defined “disciplinary removal” as “... suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment.”

The policy’s definition of manifestation determination followed the procedures outlined in OAR 581-015-2415(1)(a)(b)(2)(3). According to the policy, “The District may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year These removals are not considered a change in placement. According to the policy, “If the IEP team determines that the student’s behavior is not a

manifestation of the student's disability the district may proceed with disciplinary removals"

24. On May 14, 2025, the Parent filed this Complaint.

Interview Summaries

Special Education Administrators

25. During an interview with the Complaint Investigator, the Special Education Director explained that the Parents decided to keep the Student home on personal leave between April 1-4, 2025 after the harassment incident was reported to the District.

26. The Special Education Director attended a meeting on April 7, 2025 with the Superintendent, the Principal, one of the Parents, and the Student. One of the Parents wanted the Student to return to the School the following Monday. During the meeting, educational options for the Student were discussed because the police investigation was still ongoing, and the District did not have an outcome yet. The Special Education Director indicated the Parents refused the options presented at the meeting on April 7, 2025, including implementation of the Student's IEP in different locations within the District. An IEP meeting was held on April 23, 2025 to review the same educational options again. The Parents declined the options and continued to request the Student's work to complete at home. The Assistant Superintendent indicated the District originally tried to schedule the IEP meeting for April 16, 2025, but the Parents chose a later date. The Special Education Director stated the Parents also declined to sign consent for the Student's three-year evaluation at the meeting on April 23, 2025.

27. The Special Education Director said, "... with all of our options, it was never a placement change. All options were the same placement, and it was our full offer of FAPE for [the Student], and parents had declined that in both settings." The Special Education Director described the placement options as: a different location at another school that gave the Student the same access to peers and general education; a virtual option which provided the Student access to adults and the general education curriculum, and the same access to peers; or the Student returning to their home district because the Student was on an inter-district transfer to the District. The Special Education Director said, "And so all of those options would not affect [the Student's] services. [The Student] would've still received services and [their] placement would've been the same."

28. The Special Education Director stated the Student was not removed for disciplinary reasons. They explained the Parent did not participate in the police's or the District's investigation. The Special Education Director said, "And during that time, there was not discipline assigned because we still didn't have information about the incident. And we had offered them full [FAPE] throughout the time, and [the Parents] declined all offers of that throughout the process."

29. The Assistant Superintendent explained that it was common practice for the District not to investigate while law enforcement was investigating. The District received notice from law enforcement on April 11, 2025 that their investigation was complete, and then the District started their own investigation, which was why there was no disciplinary action taken at that time.
30. The Assistant Superintendent indicated that they contacted the Parent after the manifestation determination meeting to “try to get [the Student’s] side of the story,” but before that meeting was held, the Parent notified them they were going to homeschool the Student.
31. The Special Education Director said the Parent was never encouraged to keep the Student home.
32. The Special Education Director stated the District was notified on May 12, 2025 that the investigation was done, and the Parent was contacted the same day to schedule a Manifestation Determination meeting, but the Parent could not be reached. The District reached out again two days later and a meeting was tentatively scheduled for May 16, 2025. When the District called to confirm the meeting on May 15, 2024, the Parent requested the meeting to be moved to the week of May 20, 2025. The Special Education Director explained that during the Manifestation Determination meeting, they reviewed the summary of the investigation and the team determined the Student’s behavior was not a manifestation of the Student’s disability. They indicated the Parent was told during the meeting the District would reach out to them.
33. The Special Education Director described the incident from March 21, 2025, which was an allegation that the Student engaged in inappropriate behavior with another student. Upon receiving the report, the School initiated its own protocol, including mandatory reporting to law enforcement. When asked if the Student was allowed to return to school after the incident, the Special Education Director said, “That is the week that the parents pulled [the Student] for that week. And then [the Student’s] return was our alternative options that we had offered while we went through the investigation process.” They reiterated it was during the meeting on April 7, 2025 that the School presented the Parent with the alternative options.
34. When asked about the Student having excused absences from April 7, 2025 through May 28, 2025, the Special Education Director indicated that action was taken at the building level. The School had made a full offer of FAPE and the Parent refused to bring the Student to school. The Special Education Director said, “[The Student] was still collecting homework from school each week. [The Parent] wanted everything sent to [the Student] virtually. [The Student] was still completing work throughout the week and submitting that work. [The Student] just refusing [*sic*] services or anything in person that we had offered.”
35. The Special Education Director indicated the District did not consider changing the Student’s placement to homebound instruction. They said, “We had just offered [the Student] options

to have [them] in person. ... [the Parent's] desire was that they wanted [the Student] in person, but they did not choose any of those."

IV. DISCUSSION

Disciplinary Removals of More than 10 School Days (Pattern or Consecutive)

The Complaint alleged that the District violated the IDEA by "informally remov[ing] [the Student] from school for approximately six weeks."

A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if the removal will be for more than 10 consecutive school days (e.g., expulsion) or if the child will be removed for more than 10 cumulative school days from their current educational placement in a school year. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal for a child with a disability who violates a code of conduct. A manifestation determination meeting must be held within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. The school district must determine whether the child's behavior is a manifestation of the student's disability.³

The Principal filed a Title IX report on April 2, 2025 for a harassment incident on March 31, 2025 involving the Student, which stated the response to the Student's actions would be determined once the investigation was completed. The Parent, the Principal, and the Special Education Director met on April 7, 2025, and at that time, the Student had been absent from school for four days at the request of the Parent, which the Special Education Director corroborated. The District proposed alternative locations for the Student where their IEP could be implemented, but the Parents chose to have the Student complete packet work at home while the District investigated the incident. The Special Education Director stated the Parent was never encouraged to keep the Student home, and described the alternative options as part of the Student's return after being home April 1-4, 2025.

On April 11, 2025, the Superintendent sent a letter to the Parent about next steps and adjusting the Student's services. The Superintendent requested that, in the interim, the Parent contact the Principal before bringing the Student to any District program or property. The Parent emailed the Principal on April 13, 2025, asked why the Student was not allowed to attend school, and requested clarification about their options. The Superintendent replied and explained that an IEP meeting was needed to review the Student's plan and how to support them. The Parent emailed the Superintendent on April 14, 2024 and asked if the Student had been suspended. The Superintendent replied that they offered options which did not alter the Student's placement, and believed the Other Parent had chosen distance learning.

³ OAR 581-015-2415(1)(a)(b)(2)(3) and 34 C.F.R. § 300.530

A PWN, dated April 23, 2025, in addition to statements from the Special Education Director, indicated the IEP team reviewed interim education options and extended an offer of FAPE. The Parent declined the options and continued to access packet-based instruction. The Special Education Director stated the Student never underwent a placement change and the Parent would not bring the Student to school. They indicated the options presented to the Parent were the same placement and the Student would have received the same services. The Special Education Director explained the Student collected and submitted schoolwork each week, but refused services.

In an email exchange between the Parent and the Principal from May 13-14, 2025, the Parent asked for updates, information about the Manifestation Determination meeting, and the School's investigation. The Superintendent told the Parent the investigation was done. Attendance notes showed the Student was on "personal leave" April 1, 2025 through April 4, 2025, and had excused absences April 7, 2025 through May 28, 2025. A District document detailed communications with the Parent on April 1, 2025, April 2, 2025, and April 7, 2025.

Documentation and interviews demonstrated the District's investigation started after April 11, 2025 and ended around May 12, 2025. Evidence also showed the District offered alternative educational options for the Student and extended offers of FAPE on two occasions, which the Parent declined. Throughout the Complaint period, the Parent expressed confusion as to whether the Student had been suspended, perceived the Student was being kept out of school, and was concerned about the Student's access to their education and services.

If a school district receives a formal complaint of sexual harassment, it must follow an appropriate grievance process under the 2020 Title IX regulations to investigate the alleged harassment.⁴ Additionally, with or without the filing of a formal complaint, the school district must offer supportive measures to the student who was the alleged victim, as well as to the student who allegedly perpetrated the sexual harassment.⁵ This was demonstrated by the District's offers of FAPE to the Student during the investigations, which the Parent declined. The Student also had access to their schoolwork during this time period. The District stated the Student was not removed for disciplinary reasons and the Parents decided not to have the Student participate in any options provided by the District'. The District also explained they were investigating the incident and determining actions to keep both students safe.

The Department does not substantiate this allegation.

Manifestation Determination Review

The Complaint alleged that the District violated the IDEA by not conducting a manifestation determination review when the Student was removed from school for disciplinary reasons for more than 10 school days.

⁴ 34 CFR § 106.45(a)

⁵ 34 CFR § 106.44(a)

In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or if the conduct in question was the direct result of the school district's failure to implement the IEP. If the school district, the parent, and relevant members of the IEP team determine that either of those criteria are applicable for the child, the conduct must be determined to be a manifestation of the child's disability. If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.⁶

The Special Education Director stated the Student was not removed for disciplinary reasons, and there was not any discipline rendered during the investigations. The Assistant Superintendent explained that it was common practice for the District not to investigate while law enforcement was investigating. The Special Education Director stated the District was notified on May 12, 2025 that the third-party investigation was done, and the Parent was contacted the same day to schedule a Manifestation Determination meeting. An email invitation and a Notice of Team Meeting was sent to the Parent on May 14, 2025 for a Manifestation Determination meeting scheduled for May 16, 2025. When the District called to confirm the meeting, the Parent requested it be moved to the week of May 20, 2025.

A Manifestation Determination and Review was held on May 20, 2025. A PWN from the same day described what happened in the meeting. The team determined that the Student's behavior was not a manifestation of the Student's disability, and told the Parent they would contact them about next steps, which the Special Education Director confirmed had occurred in their interview.

In the case of a student with a disability, an emergency removal under the 2020 Title IX regulations may trigger the requirement for a manifestation determination and review.⁷ If a school district receives a sexual harassment complaint, it must initiate the grievance process to determine whether the alleged harassment occurred and implement any necessary remedies. During this process, 2020 Title IX regulations require a school district to presume the respondent is not responsible for the alleged misconduct.⁸ However, under the IDEA and Section 504, a school district holding a manifestation determination and review must generally presume the student engaged in the alleged misconduct to determine whether it was related to the student's disability or the result of an implementation failure.⁹ Due to this discrepancy and the lack of specific guidance, it is unclear whether a school district should conduct a manifestation determination and review for a student with a disability charged with sexual harassment before, during, or after the Title IX investigation and grievance process.

⁶ OAR 581-015-2401(1)(A)(B)(2)(3) and 34 CFR §300.530(e)(f)

⁷ 34 CFR § 300.530 (e)

⁸ 34 CFR § 106.45(b)(1)(iv)

⁹ 34 CFR § 300.530 (e)

However, the sample Title IX policies included in the “Title IX Regulations on Sexual Harassment,” from the U.S. Department of Education’s Office for Civil Rights (OCR) on July 20, 2021, suggest a school district should hold a Manifestation Determination and Review once the Title IX decision-maker has determined the student was responsible for the alleged sexual harassment. In this case, the District’s Title IX incident form indicated a response to the Student would be determined once the investigation was complete. According to other documentation, the District followed this procedure by contacting the Parent once the third-party investigation was complete.

A Manifestation Determination was not required due to the IDEA’s disciplinary protections as the Student was not removed for disciplinary purposes. However, the District conducted a Manifestation Determination consistent with policies for students with disabilities related to Title IX.


The Department does not substantiate this allegation.

VII. CORRECTIVE ACTION

*In the Tillamook School District
Case No. 25-054-033*

No corrective action is ordered in this matter.

Dated: this 9th Day of July 2025

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Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: July 9, 2025

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).)