BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Tigard-Tualatin School District	))))	FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 26-054-044

I. BACKGROUND

On April 2, 2026, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Tigard-Tualatin School District (District). The Parent requested that the Department conduct a systemic 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 to engage in mediation or local resolution or for exceptional circumstances related to the complaint.[2]

On April 15, 2026, 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 April 28, 2026. On April 28, 2026, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District's Narrative Response
2. Psychoeducational Evaluation Report for Student, 6/11/24
3. Report Cards for Student from Quarter 1, Quarter 2, and Quarter 3 of the 2025-26 school year
4. Letter from Kaiser doctor detailing a medical diagnosis of Autism I, 2/2/26
5. Prior Written Notice (PWN) of special education action, 4/22/26
6. Prior Written Notice, 10/25/24
7. Student Annual Individual Education Program (IEP), 4/22/26
8. Student's Draft Annual IEP, 4/22/26
9. Student's Annual IEP, 5/13/25
10. Student's Annual IEP, 10/10/24
11. IEP Progress Report, 4/09/26

[1] OAR 581-015-2030(12) and 34 CFR § 300.152(a)
[2] OAR 581-015-2030(12) and 34 CFR § 300.152(b)

12. iReady Diagnostic Testing results, 2024-25 school year
13. Files for three other randomly selected Middle School students who exited the Online/Virtual Middle School Program with IEPs, during the 2025-2026 school year (these files consisted of the only other Middle School students with IEPs in the virtual program during the 2024-2025 school year)

On April 30, 2026 the Parent sent an email to the Department with additional information. On May 6, 2026, the Department's Complaint Investigator interviewed the Parent and provided the opportunity for the Parent to provide additional information. On May 7, 2026, the Department's Complaint Investigator interviewed the District's Special Education Director/Director of Student Services, the Student's English Language Arts (ELA) Special Education Teacher, and the District's Virtual Middle School Program's IEP Coordinator/Learning Specialist. The District provided additional information after the interviews, via email messages received on May 8, 2026. 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 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 February 23, 2025, to the filing of this Complaint on February 24, 2026.

Allegations	Conclusions
IEP Implementation It was alleged that the District violated the IDEA when it did not implement the Student's IEP during the 2025-2026 school year, when the Student returned to the District Middle School, from the District's Virtual School, which discontinued Middle School Programming. Specifically, when the District failed to provide the Student with accommodations that were required in their IEPs. Additionally, it was alleged that the District did not implement the IEPs of similarly situated students who also transitioned from the Virtual School to other District Middle Schools for the 2025-2026 school year. (OAR 581-015-2220; 34 CFR § 303.323 & 34 CFR § 300.324)	**Not Substantiated** The record supports that the District implemented the Student's IEP when the Student returned to the District Middle School for the 2025-26 school year. No evidence was presented to show that IEPs of similarly situated students were not implemented.

Review and Revision of IEPs It was alleged that the District violated the IDEA when it failed to review and revise the Student's IEP, and the IEPs of similarly situated students, during the 2025-2026 school year to address their disability-related needs in an in-person educational setting. Additionally, it was alleged that the District failed to review and revise the Student's IEP to address their current diagnosis. (OAR 581-015-2225 and 34 CFR § 300. 324(b)(1)(i))	**Not Substantiated** The District created an annual IEP for the Student at the end of the 2024-2025 school year, which was to be used for the 2025-26 school year in an in-person educational setting. The District offered to conduct evaluation planning to evaluate the Student under the eligibility category of ASD. There was no evidence presented that the review or revision of the IEPs of similarly situated students was warranted.
Free Appropriate Public Education (Denial of FAPE) Due to the alleged IDEA violations detailed above, it was alleged that the District failed to provide the Student and similarly situated students with a free appropriate public education during the 2025-2026 school year. (OAR 581-015-2040; 34 CFR 300.101)	**Not Substantiated** The records support that the District provided the Student with services and supports as outlined in their IEP. The Student was making progress toward their IEP goals and showed progress when they attended school. Additionally, the records reviewed for the other Middle School students who previously attended the Virtual School during the 2024-2025 school year do not demonstrate a denial of FAPE occurred when these students transitioned from the Virtual School.

REQUESTED CORRECTIVE ACTION
The Parent requests that the District: • Immediately update the Student's IEP, to reflect their needs for an in-person setting • Recognize the Autism Level 1 diagnosis on the IEP • Put appropriate supports in place for their transition to high school, including but not limited to an individual assistant assigned to them to help with executive functioning • Help with completing their work on time • Accountability measures taken to prevent this from happening to other students

III. FINDINGS OF FACT

1. The Student is an 8th grade student who resides in the District, and the Student is currently enrolled in a District middle school (Middle School).

2. The District and the Parent both reported that the Student attended the Middle School for their 6th grade year, which was the 2023-2024 school year and that the Student had some behavioral issues at that time.

3. The Student's school conducted a comprehensive evaluation of the Student on June 11, 2024. This evaluation concluded with an initial eligibility determination for special education under the category of Emotional Behavior Disability (EBD). Notably, this evaluation states that the Student has Attention Deficit Hyperactivity Disorder (ADHD), anxiety, attendance issues, and issues with turning in work and being organized. It does not state any issues with sensory processing or sensory overload. However, one comment the Student made in the report states that, "…[the] social part is difficult because of 'potential autism' noting that [they don't] believe [they are] 'high on autism, probably low.' [The Student] observes most of [their] friends have autism and ADHD similar to [them]…" The report notes the Student stated that, "When asked what might be helpful for [them] in school to support [their] learning, [the Student] shared that [they] would like access to movement breaks, access to a quiet room, and that 'if [they were] floppy between things, to see what there is for the teachers to help me…" The report ends by noting that, the Student was "undergoing additional evaluation…to provide diagnostic clarification regarding possible autism in addition to ADHD."

4. On October 25, 2024 the District issued Prior Written Notice (PWN) that states that an IEP team meeting was held for the Student virtually, on October 10, 2024. The PWN goes on to state that the team found the Student eligible for special education under the category of Other Health Impairment (OHI).

5. The District and the Parent both reported that the Student attended the District's virtual middle school (Virtual School) for their 7th grade year, which was the 2024-2025 school year.

6. On April 23, 2025, in a weekly newsletter, the District announced to parents of enrolled students of the Virtual School, that it would be closing its middle school program at the end of the school year. The newsletter article notes that the decision was made due to declining enrollment in the program and District-wide budget cuts. The newsletter notes that parents could reach out to the Virtual School principal with any questions or concerns.

7. The District reported that enrollment for the Virtual School declined greatly after the COVID-19 pandemic subsided. The District further reported that only three students had active IEPs while enrolled in the Virtual School during the 2024-2025 school year.

8. The District reported that when the Student's IEP team convened and completed the Student's annual IEP in May 2025 (May 2025 IEP), the team members knew the Virtual School was closing for the next year and anticipated creating the Student's annual IEP to be implemented in-person at the Middle School during the 2025-2026 school year**.** Additionally, under "Concerns of the Parents" in the Present Levels of Academic Achievement and Functional Performance section of the May2025 IEP, a note reads that, "[Parent] is very concerned about [the Student's] attendance, and has already initiated a discussion to have [the Student] return to the in-person educational environment just before the announcement that [the Virtual School] would continue next year with only the 9-12 program…"

9. The May 2025 IEP notes that the Student's behavior is impacting their learning and states that, "[The Student's] inconsistent and tardy attendance, [their] low independent focus, and task completion skills, and [their] disengagement with school subjects that are not preferred topics are significantly impacting [their] academic success."

10. The May 2025 IEP shows an eligibility category of Emotional Behavior Disability and includes goals in academic work readiness and regulation skills, social/emotional, and written language.

11. The May 2025 IEP shows that the Student would be removed from general education classes for 100 minutes weekly to receive specially designed instruction in a supportive environment, the Strategies class. In this class, the IEP notes the Student would work on 60 minutes weekly of academic work/readiness & regulations skills, 20 minutes weekly of social/emotional regulation, and 20 minutes monthly in writing and editing strategies, through the 2024-2025 school year. This time was to increase to 225 minutes in the fall of 2025.

12. The Student's IEP dated May 13, 2025 includes the following accommodations, supplementary aids and services:

Type of Service	Type of Personnel	Frequency & Duration/Per Cycle	Start Date	End Date

Access to Math tools including but not limited to calculator, formula reference sheet, multiplication table, number line, manipulatives, 100s chart, place value chart	General Education teacher	75 minutes per week	05/13/2025	05/12/2026
Type of Service	**Type of Personnel**	**Frequency & Duration/Per Cycle**	**Start Date**	**End Date**
Access to Writing support tools including, but not limited to graphic organizers, sentence starters, word banks, electronic spelling & grammar checkers	General Education Teacher	50 minutes per week	05/13/2025	05/12/2026
Type of Service	**Type of Personnel**	**Frequency & Duration/Per Cycle**	**Start Date**	**End Date**
Shortened assignments with a focus on critical content	General Education Teacher	Across all education settings/ 50 minutes weekly	05/13/2025	05/12/2026
Type of Service	**Type of Personnel**	**Frequency & Duration/Per Cycle**	**Start Date**	**End Date**
Option to provide answers that demonstrate content knowledge in a differing form including answering orally or responding in chat, etc.	General Education Teacher	Across all educational settings, 45 minutes weekly	05/13/2025	**05/12/2026**
Type of Service	**Type of Personnel**	**Frequency and Duration/Per Cycle**	**Start Date**	**End Date**
Instruction offered in basic, straightforward	General Education Teacher	Across all educational	05/13/2025	05/12/2026

steps visually larger projects separated into smaller, concise, reasonable chunks with clear check-ins provided		settings, 75 minutes weekly		
Type of Service	**Type of Personnel**	**Frequency and Duration/ Per Cycle**	**Start Date**	**End Date**
Access to Teachers' direct instructional information including but not limited to teachers' notes, teachers' slide deck, teachers' lesson recording	General Education Teacher	Across all educational settings, 75 minutes weekly	05/13/2025	05/12/2026
Type of Service	**Type of Personnel**	**Frequency and Duration/ Per Cycle**	**Start Date**	**End Date**
Student has the option to redo or retake assignments or assessments with scores below 75% for up to 2 weeks following the posting of the score with proactive communication from the Student to schedule the best time to complete the retake	General Education Teacher	Across all educational settings, 30 minutes monthly	05/13/2025	05/12/206

13. In the fall of 2025, the Student's iReady academic testing data for mathematics and reading, showed that the Student scored in the 83rd percentile on their Reading Assessment, which improved from the Student's prior score which was in the 42nd percentile. The iReady score for the Student's Math Assessment from the fall of 2025 showed that the Student was achieving at the 74th percentile, which had improved from the Student's reported prior score, of the 13th percentile.

14. The District reported that the Student's IEP Coordinator at the Middle School reviewed the Student's May 2025 IEP prior to the start of the 2025-2026 school year, to ensure that it could all be implemented at the Middle School, without another IEP meeting or revision to

the Student's annual IEP, prior to the start of the 2025-2026 school year.

15. On January 30, 2026 the District issued a second quarter progress monitoring report for the Student, to show their progress toward IEP goals. The notes on the report indicate that the Student was making progress on their social/emotional goals. The notes say that progress was difficult to determine for the writing goal, based on their incomplete work.

16. On February 2, 2026 an outside medical evaluator provided the Parent with a letter that stated that, "[The Student] was seen in the Developmental-Behavioral clinic on February 2, 2026. [They were] diagnosed with autism level 1. [They have] previous diagnoses of ADHD and anxiety…[the Student's] current IEP eligibility is Other Health Impairment (OHI) for ADHD and Emotional Behavioral Disability. I am recommending that [their] IEP be updated to reflect [their] new medical diagnosis of autism. In addition to helping [their] educational team better understand [their] unique challenges and support [their] success, this would also allow for the removal of the less specific and more pejorative EBD eligibility…"

17. On February 17, 2026 the Parent emailed the District and stated the Student had recently received a private autism diagnosis and requested a reevaluation for the Student, to consider adding Autism Spectrum Disorder (ASD) as an eligibility category. The District replied that same day via email and offered two dates for the IEP team to meet to discuss this and complete the Student's annual review. The dates offered were March 17 or March 19, 2026.

18. On March 10, 2026 the Parent emailed the District a copy of the private outside medical diagnosis of the Student, which showed the Student has Autism Level 1. The Parent further stated that the new IEP should "reflect [their] updated diagnosis of Autism as suggested, and [EBD] should be taken off [of the IEP eligibility]."

19. The District reported that the Student's IEP Coordinator responded to the Parent via email on that same day, March 10, 2026, and stated that the upcoming annual IEP team meeting could also be the Student's evaluation planning team meeting (EPT) for the team to discuss a re-evaluation in the area of autism.

20. The District reported that the Parent cancelled the IEP meeting that was scheduled in March of 2026. On March 11, 2026 the Parent emailed the District and stated they did not want to attend the upcoming IEP meeting or future meetings, due to the "tone and experience" of prior IEP meetings.

21. On March 18, 2026 the District issued PWN to the Parent that stated that the Parent had cancelled the IEP review and EPT meeting and noted that the District "stands ready to [open] an evaluation when consent is obtained to conduct assessments, if deemed necessary."

22. The Student's Learning Coordinator/IEP Coordinator also emailed the Parent on March 18,

2026 and stated that they understood that the Parent was declining to attend the IEP meeting scheduled for the next day. The Learning Coordinator stated they wanted to partner with the Parent and asked to reschedule the meeting after spring break. In this email, the Learning Coordinator also offered to convene an EPT for the Student before the IEP team meeting and offered to schedule the EPT to discuss the Student's eligibility with the Parent.

23. On March 30, 2026 the Parent emailed the Learning Coordinator and asked why the Student's movement breaks were not being honored by teachers and stated, "There's no point in me taking the time to meet about more complicated things when even the easiest stuff is ignored…"

24. On April 1, 2026 the Parent wrote an email to the District requesting an immediate IEP team meeting for the Student. The Middle School's Assistant Principal responded the same day. In that reply email, the Assistant Principal agreed to meet, and asked what dates the Parent could attend the IEP team meeting. The Assistant Principal also asked how they could help the Parent feel supported in the IEP team meeting. Finally, the Assistant Principal wrote that they would communicate to the Student's teachers to allow them to take movement breaks any time they need to, effective immediately.

25. The Parent filed this Complaint on April 2, 2026.

26. On April 9, 2026 the District wrote a Quarter 3 Progress Report for the Student to provide updates on their IEP goals. The Quarter 3 progress report notes that the Student had many absences that school year and many issues with turning in their assignments. The report shows that for Goal 1 (Work Readiness and Regulation Skills) that the Student had improved in this area, with less missing assignments in all class than they had accrued in Quarter 2. The April 2026 progress report also shows the Student was making progress on their Social/Emotional Goal (Goal 2). The report notes that progress toward the writing goal was hard to measure, due to incomplete assignments and assignments that were not turned in.

27. The District reported that since the Complaint was filed, the District obtained a consent to evaluate from the Parent on or around April 14, 2026[3] and has begun the reevaluation process.

28. The District reported that in Spring of 2026, teacher feedback and Student grades indicated that many of the Student's behavioral concerns noted in the 6th grade, have significantly improved during the 2025-2026 school year.

29. The District reported that during the 2025-2026 school year, the Student received support for their executive functioning needs in a special education classroom, the Strategies Class. The District reported that in this class, the Student was provided with explicit instruction to

[3] While this occurred after the filing of the state complaint, it is relevant to the discussion in this Final Order.

build academic readiness and work habits aligned with the Student's IEP goal in this area. Students in the Strategies Class are taught and practice task initiation, organization, assignment completion, and appropriate communication for classwork. The District further reported that in the Strategies Class students are given many opportunities to practice these areas of need and that they have consistent routines, check-ins and progress monitoring. The District also reported that the Student received support in a co-taught language arts class with a general education and special education teacher and that this class also offered supports for organization, guided practices, differentiated assignments, and checks for understanding.

30. The District reported that staff at the Middle School had been consistently implementing the IEP and providing all written accommodations on the IEP during the 2025-2026 school year. For example, the District noted that it assisted the Student with executive functioning skills and with ensuring their work was turned in via assistance from the special education teacher and help in the Community Class, which was a special education classroom where the Student started each school day.

31. The District reported that during the 2025-2026 school year, the Student started each day in a Community Class, to check in with their assigned special education teacher, in order to ensure that their written work was complete and turned in for grading in each class.

32. The Student's teachers describe them as very bright, engaged, and academically curious.

33. In the Complaint and when interviewed, the Parent stated that the Student is failing all of their classes, but the District denies this and states that the Student passed the majority of their classes, but during the 2025-26 school year, the Student had two NGs (no grade) in English Language Arts and Science, due to missing assignments that were reported to be due to many absences.

34. The District reported that the Student's attendance had declined during the 2024-2025 school year and also in the 2025-2026 school year as the school year progressed, resulting in less assignments being returned for grading, and more absenteeism during the spring semester. This reduced attendance was reported to produce lower grades for the Student or "NG" grades (no grades) in numerous classes during the 2025-2026 school year.

35. On April 22, 2026[4], the Student's IEP team met for the Student's annual IEP review meeting (April 2026 IEP). At that time, the Parent continued to raise concerns about the Student needing a movement break during the school day. The District continued to state that the Student had not asked for movement breaks nor shown any inclination towards wanting or needing them. The IEP team decided not to include movement breaks in the Student's April 2026 IEP.

[4] Note that while this IEP occurred after the filing of the instant complaint, the information is relevant to the allegations in this complaint.

36. The District reported that the April 2026 IEP was the first IEP meeting the Parent would attend during the 2025-2026 school year. The District reported that the Student's declining attendance was discussed at this meeting and strategies were explored to help increase the Student's attendance.

37. The District reported that the Parent first mentioned sensory concerns for the Student on the bus at the April 22, 2026 IEP team meeting.

38. The Parent reported that they told the school that the Student had sensory overwhelm on the bus numerous times during the 2025-2026 school year. The Parent believes that the Student arrives at school highly dysregulated due to the loud and chaotic nature of the school bus, and that this is the reason for their performance and academic issues.

39. The District reported that the Student's attendance also declined in the spring semester while they were attending the virtual school and suggested that may illustrate that the bus was not the Student's only issue with school attendance declines in the spring.

40. The Student's Quarter 1 Report Card for the 2025-2026 school year shows a grade point (GPA) average of 2.14 and the following grades: Social Studies- C, Science A- A, Language Arts 8- D, Wheel 2- D, Strategies- B, Fitness- C, and Math 8- C.

41. The Student's Quarter 2 Report Card for the 2025-2026 school year shows GPA of 2.0 and the following grades: Social Studies- B, Science 8- B, Language Arts- D, Exploratory Wheel 2- D, Strategies- B, Fitness- D (with a note that missing assignments and absences impact grade and progress), Math 8- C.

42. The Student's Quarter 3 Report Card for the 2025-2026 school year shows a GPA of 2.40 and the following grades: Social Studies- D, Science 8- NG (Comments- missing assignments impacting grade, inconsistent attendance affects progress), Language Arts 8- NG (Comments- Missing assignments impacting grade, This student has received accommodations, Attendance is an issue), Exploratory Wheel- C, Strategies- A, MS Health- A, Math 8- D (Comments- This student has received accommodations. Pleasure to have in class. Absences are impacting this grade. You can do it!)

43. The District reported that even prior to the April 2026 IEP team meeting, it offered the Student accommodations for the bus to and from school, which included front of the bus reserved seating and use of noise cancelling headphones. The District reported the Student had not expressed any issues or concerns related to the bus after these measures were put in place.

44. In addition to the records sent for the Student, the District also submitted annual IEPs and PWNs for three other Students who attended the virtual middle school during the 2024-2025 school year and who transitioned to other schools or programs during the 2025-2026

school year upon the dissolution of the Virtual School. Some of the students transitioned to high school or dual enrollment programs and some went to the Middle School. The entire cohort of students in this group was less than five and there was no indication that the IEPs as written could not be implemented in a brick-and-mortar school setting.

IV. DISCUSSION

Implementation of the IEP

It was alleged that the District violated the IDEA when it did not implement the Student's IEP during the 2025-2026 school year, when the Student returned to the District Middle School, from the District's Virtual School, which discontinued Middle School Programming. Specifically, when the District failed to provide the Student with accommodations that were required in their IEPs. Additionally, it is alleged that the District did not implement the IEPs of similarly situated students who also transitioned from the Virtual School to other District Middle Schools for the 2025-2026 school year.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for implementation of a student's IEP. Each teacher and service provider described in the IEP must be informed of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.[5]

In the instant case, the District had an IEP in effect at the start of the 2025-2026 school year for the Student. Their IEP Coordinator for the Middle School reviewed their IEP prior to the start of the school year, to ensure that it could be fully implemented in the Middle School setting. There is no evidence that any teachers did not have access to the IEP nor any documented instances of times when the IEP was not implemented. Further, no evidence was provided to indicate that the IEPs of similarly situated students who also transitioned from the Virtual School were not implemented during the 2025-2026 school year.

The Department does not substantiate the allegation.

Review and Revision of the IEP

[5] OAR 581-015-2230(1)—(3)

It is alleged that the District violated the IDEA when it failed to review and revise the Student's IEP, and the IEPs of similarly situated students, during the 2025-2026 school year to address their disability-related needs in an in-person educational setting. Additionally, it is alleged that the District failed to review and revise the Student's IEP to address their current diagnosis.

The applicable state rule is found in OAR 581-015-2225. This rule holds that a District must ensure that the IEP team reviews and revises a student's IEP periodically, and at least once every 365 days. Additionally, the rule states that the IEP must be revised to address a lack of progress toward IEP goals, the results of a reevaluation, information provided by parents, anticipated needs, or other matters.

In this case, the District made several attempts to meet promptly with the Parent to discuss the outside evaluation and new medical diagnosis of the Student, after it was provided to the District in February of 2026. However, the Parent refused to meet with the District until after the filing of this state complaint, in April of 2026. There is no evidence that the Student was not making any progress toward their IEP goals prior to this time. To the contrary, the record showed that the Student was making marked academic progress in some subject areas, when they attended school and turned in required assignments. Finally, while it is outside of the timeline for this complaint investigation, the District reported that it was able to discuss the Student's attendance needs and issues at the April 2026 IEP team meeting and it reported that the District offered supports for the Student to access when using the bus, such as preferred seating, use of headphones, and front of the bus seating.

The Department does not substantiate this allegation.

Free Appropriate Public Education (Denial of FAPE)

Due to the alleged IDEA violations detailed above, it is alleged that the District failed to provide the Student and similarly situated students with a free appropriate public education (FAPE) during the 2025-2026 school year.

School districts must provide FAPE to all school-age children with disabilities for whom the district is responsible.[6] Procedural violations may only lead to finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child, or (III) caused a deprivation of educational benefits."[7] In determining whether a student was denied a FAPE, courts review a district's compliance with both the procedural and substantive components of the Student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IEP, and whether the school district

[6] OAR 581-015-2040
[7] 20 USD § 1415(f)(3)(E)(ii)

met the substantive requirements to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[8]

The record supports that the District provided the Student with services and supports in the Middle School, as required by the annual IEP that was in effect at the time. The record further shows that the Student was making progress toward their IEP goals and demonstrating academic improvements when they were present in school. The April 26, 2026 progress report shows that the Student was making progress on their social/emotional goals. The progress report also notes the Student had increased attendance issues in the spring of 2026. Additionally, the District was able to demonstrate that it worked with the Parent promptly, after the April 26 IEP team meeting, to address the Student's needs on the bus and offer them assigned seating in the front of the bus and other supports. No evidence was presented to show that those supports were utilized without success.

As for the systemic portion of this allegation, there was no evidence presented to show that the other former Virtual School students with IEPs were deprived of a FAPE during the 2025-2026 school year, when they left the Virtual School to enroll in other schools. The District reported that the similarly situated students were all able to go into suitable programs with effective IEPs. Additionally, the IEPs that were reviewed appear to have been written to be implemented in a brick-and-mortar or other school program.

The Department does not substantiate this allegation.

V. CORRECTIVE ACTION

In the Matter of Tigard-Tualatin School District
Case No. 026-054-044

The Department does not order corrective action in this matter.

Dated: this 1 Day of June 2026

Ramonda Olaloye

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Ramonda Olaloye
Assistant Superintendent

[8] *Endrew F.*, 137 S. Ct. at 999.

Office of Enhancing Student Opportunities

Appeal Rights: Partied 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).)