

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Jeffrey Myers v. Beaverton School District 48J

Myers · No. 3:25-cv-00677-AN · Decided April 17, 2026

SUMMARY

The United States District Court for the District of Oregon grants Beaverton School District 48J’s motion to dismiss claims challenging the District’s digital hall pass system. The court holds that the plaintiff did not adequately allege substantive or procedural due process violations and concludes that FERPA and the Protection of Pupil Rights Amendment do not support the asserted claims on the allegations presented. The action is dismissed without prejudice and with leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Adrienne Nelson
JURISDICTION	United States District Court for the District of Oregon
DECIDED	April 17, 2026
DOCKET	3:25-cv-00677-AN
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the first amended complaint under Federal Rule of Civil Procedure 12(b)(6), and alternatively challenged standing to assert the Oregon Constitution Article I, section 9 claim. The court granted the motion and dismissed without prejudice, allowing plaintiff thirty days to amend.
STANDARD OF REVIEW	On a motion to dismiss for failure to state a claim, the court accepts well-pleaded material facts as true, draws reasonable inferences in the nonmoving party’s favor, and determines whether the complaint states a facially plausible claim for relief. Legal conclusions couched as factual allegations are not credited.
PRECEDENTIAL VALUE	Nonprecedential federal district court opinion; persuasive only outside the case.
PARTIES	Jeffrey Myers v. Beaverton School District 48J

TOPICS

motions to dismiss

substantive due process

procedural due process

constitutional law

civil rights

PRACTICE AREAS

civil rights

constitutional law

education law

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff adequately pleaded a substantive due process claim based on a parent's asserted right to control the collection and use of a child's school movement and behavioral data.
2. Whether plaintiff adequately pleaded a procedural due process claim based on the District's failure to provide parental notice, consent, or an opt-out opportunity before collecting and using digital hall pass data.
3. Whether FERPA or the Protection of Pupil Rights Amendment supplied an individually enforceable right or otherwise supported plaintiff's procedural due process claim.
4. Whether Oregon Revised Statutes section 336.187 created a private right of action and whether plaintiff alleged a violation of that statute.
5. Whether plaintiff could assert a personal privacy claim under Article I, section 9 of the Oregon Constitution based on data concerning his child.
6. Whether plaintiff stated an Article I, section 10 remedy-clause claim based on alleged violations of Oregon Revised Statutes sections 336.184 and 336.187.

HOLDINGS

1. A parent does not have a fundamental substantive due process right to control how a public school collects and uses student behavioral or movement data, or to receive notice of those practices, where the challenged conduct concerns what takes place inside the public school. The District's use of the digital hall pass system was rationally related to legitimate governmental interests and therefore did not violate substantive due process.
2. Plaintiff failed to state a procedural due process claim because he did not identify a constitutionally protected property or liberty interest in parental notice, consent, or an opt-out opportunity concerning the District's collection and use of digital hall pass data.
3. Oregon Revised Statutes section 336.187 does not create an express or implied private right of action, and plaintiff also failed to allege facts showing a failure to disclose information in either circumstance covered by the statute.
4. Plaintiff could not assert an Article I, section 9 privacy claim based on digital hall pass data concerning his child because the data implicated the students' personal privacy rights, not plaintiff's.
5. Plaintiff failed to state an Article I, section 10 claim because he identified no actionable violation of ORS sections 336.184 or 336.187, and neither statute supplied a private right of action.

KEY QUOTATIONS

“Under Ninth Circuit precedent, parents do not have a fundamental right generally to direct how a public school teaches their child.”

“Parents therefore do not have a due process right to interfere with the curriculum, discipline, hours of instruction, or the nature of any other curricular or extracurricular activities.”

“Because plaintiff does not allege a protected interest to which due process protections attach, he does not state a claim for violation of his procedural due process rights.”

FACTUAL BACKGROUND

Beaverton School District 48J implemented a digital hall pass system at Mountain View Middle School through its Synergy Student Information System and StudentVUE portal. Students used the system to request passes, while staff could monitor requests and the system recorded destinations, durations, approving staff, and total time out of class. District personnel could review the data to identify movement patterns and unusually high usage, potentially leading to staff meetings with students concerning behavioral or psychological concerns. Plaintiff alleged that the system collected and retained student movement data without parental notice, consent, review, or an opt-out process.

PROCEDURAL HISTORY

Plaintiff initiated the action in Oregon state court on April 21, 2025. Defendant removed it to the United States District Court for the District of Oregon on April 24, 2025. Plaintiff filed a first amended complaint on May 23, 2025; defendant moved to dismiss on June 6, 2025. The court previously denied plaintiff's motion for a temporary restraining order and preliminary injunction and then granted the motion to dismiss in this opinion.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff was granted thirty days to file a second amended complaint; if none is filed, the action will be dismissed.

CASES CITED

- Shroyer v. New Cingular Wireless Services, 622 F.3d 1035, 1041 (9th Cir. 2010)
- Wilson v. Hewlett-Packard Co., 668 F.3d 1136, 1140 (9th Cir. 2012)
- Daniels-Hall v. National Education Association, 629 F.3d 992, 998 (9th Cir. 2010)
- Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011)
- Newcal Industries v. Ikon Office Solutions, 513 F.3d 1038, 1043 n.2 (9th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556 (2007)
- Swartz v. KPMG LLP, 476 F.3d 756, 763 (9th Cir. 2007)

- *Graves v. Northwest Priority Credit Union*, No. 3:20-cv-00770-JR, 2020 WL 8085140, at *2 (D. Or. Dec. 12, 2020)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Kali v. Bulk Handling Systems*, No. 6:18-cv-02010-AA, 2019 WL 1810966, at *4 (D. Or. Apr. 23, 2019)
- *Wolfe v. Strankman*, 392 F.3d 358, 392 (9th Cir. 2004)
- *Garity v. APWU National Labor Organization*, 828 F.3d 848, 854 (9th Cir. 2016)
- *Lucas v. Department of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam)
- *Parham v. J.R.*, 442 U.S. 584, 587, 600, 602-03, 606 (1979)
- *Mueller v. Aufer*, 700 F.3d 1180, 1186 (9th Cir. 2012)
- *Fields v. Palmdale School District*, 427 F.3d 1197, 1204, 1206 (9th Cir. 2005)
- *California Parents for the Equalization of Educational Materials v. Torlakson*, 973 F.3d 1010, 1020 (9th Cir. 2020)
- *Hooks v. Clark County School District*, 228 F.3d 1036, 1042 (9th Cir. 2000)
- *Collins v. City of Harker Heights*, 503 U.S. 115, 125 (1992)
- *Regino v. Staley*, 133 F.4th 951, 960, 967 (9th Cir. 2025)
- *Slidewaters LLC v. Washington State Department of Labor & Industries*, 4 F.4th 747, 759 (9th Cir. 2021)
- *Washington v. Glucksberg*, 521 U.S. 702, 728 (1997)
- *Brewster v. Board of Education of Lynwood Unified School District*, 149 F.3d 971, 983 (9th Cir. 1998)
- *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)
- *Mullins v. Oregon*, 57 F.3d 790, 795 (9th Cir. 1995)
- *Schrader v. Emporia State University*, No. 19-2387-DDC-TJJ, 2021 WL 4284543, at *8 n.6 (D. Kan. Sept. 21, 2021)
- *Dixon v. Regents of University of New Mexico*, 242 F.3d 388 (table), 2000 WL 1637557, at *4 n.4 (10th Cir. 2000) (unpublished)
- *McLaughlin v. Florida International University Board of Trustees*, 533 F. Supp. 3d 1149, 1171 (S.D. Fla. 2021)
- *Doe No. 1 v. Bethel Local School District Board of Education*, No. 3:22-cv-337, 2023 WL 5018511, at *22 (S.D. Ohio Aug. 7, 2023)
- *Parents Protecting Our Children, UA v. Eau Claire Area School District, Wisconsin*, 657 F. Supp. 3d 1161, 1175 (W.D. Wis. 2023)
- *C.N. v. Ridgewood Board of Education*, 430 F.3d 159, 161 (3d Cir. 2005)
- *Rhoades v. Penn-Harris-Madison School Corporation*, 574 F. Supp. 2d 888, 889-90, 892 (N.D. Ind. 2008)
- *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822, 833 (2002)
- *Deckard v. Bunch*, 358 Or. 754, 759, 370 P.3d 478 (2016)
- *Doyle v. City of Medford*, 356 Or. 336, 344-45, 377 P.3d 797 (2015)
- *State v. Fulmer*, 366 Or. 224, 229, 460 P.3d 486 (2020) (en banc)
- *State v. Rodgers/Kirkeby*, 347 Or. 610, 621, 227 P.3d 695 (2010)

- State v. Wacker, 317 Or. 419, 426, 856 P.2d 1029 (1993)
- State v. Campbell, 306 Or. 157, 164, 759 P.2d 1040 (1988)
- State v. Johnson, 153 Or. App. 535, 538 n.1, 958 P.2d 887 (1998) (en banc)
- Fazzolari v. Portland School District No. 1J, 303 Or. 1, 17-20, 734 P.2d 1326 (1987)

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