

Special Education Handbook

Vernonia School District
January 2021

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Free Appropriate Public Education

FAPE and Age Ranges

- Vernonia School District must provide special education and related services to all resident school-age children with disabilities. “School-age children” are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- An otherwise eligible person whose 21st birthday occurs during the school year is eligible for FAPE for the remainder of the school year.
- The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.

Age Limitations and Exceptions to FAPE

- Vernonia School District must admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- A student who receives a regular high school diploma is no longer entitled to FAPE. A regular education diploma does not include a modified diploma, extended diploma, or an alternative degree that is not fully aligned with the state’s academic standards, such as a certificate or general education development credential (GED).

Child Find

Child Find Process

There is an ongoing process to locate , identify and evaluate all children residing within the school district boundaries who are suspected of being disabled and in need of special education services; including:

- Highly mobile children with disabilities (such as migrant and homeless youth)
- Children who are wards of the state
- Children who are homeschooled
- Children below the age of compulsory school attendance who are not enrolled in a public or private program
- Children above the age of compulsory school attendances that have not graduated with a regular high school diploma.

Special Education/Child Find Activities Include:

- A close working relationship with Early Childhood Special Education.

- School Parent/Student handbooks include information about Special Services to inform parents.
- Child Find posters are placed in key locations in the community including: grocery store, library, post office and medical center.
- The Child Find notice is published in the local newspaper.

Child Find Screenings

To identify children in the general school population who are suspected of having a disability, several screenings are used:

- Hearing Screening
All kindergarten through third grade students receive a hearing screening annually. Students in other grades can be screened by parent or teacher referral. Students who do not pass the hearing screening will receive follow up screening. If the student does not pass the second screening, parents are notified, and it is requested that they see an audiologist.
- Vision Screening
All students in grades kindergarten through fifth grade are screened on vision. If a student does not pass the vision screening, parents are notified and it is requested that they see a private specialist.

Referrals

Under *Child Find*, parents, teacher school administrators, counselors, or other professionals in the community who have a legitimate interest in the welfare of the child can make a referral.

- Parent initiated referral: Parents have a right to have their child considered for evaluation for special education if they suspect their child has a disability. Most parents however, will need district assistance in understanding how to proceed with this request. This assistance should include explanation of the interventions that can be attempted before making a special education referral. However, interventions should not be presented in a way that might be viewed by the parent as a barrier to a special education evaluation. If a parent requests an evaluation, and through consultation agrees to a period of academic and/or behavioral intervention, document these decisions on meeting minutes. When there is evidence of a suspected disability from sources such as a physician's report, previous school report, therapist report, etc., the team should proceed with evaluation planning.
- School personnel initiated referral: A school employee should initiate a referral for special education if there is suspicion of a disability and the student's parents

have been informed. In these situations, it is best to involve the school counselor or classroom teacher to make sure proper procedures are followed and the appropriate information is collected.

- *Continuous Improvement/RTI referral:* A student may be referred by the Response to Intervention (RTI) team after group and individual interventions in regular education settings have been attempted over time and regular progress monitoring data has demonstrated that the interventions have been insufficient to bring about adequate educational or behavioral performance. In these instances, parents should be notified of these interventions.
- *Home School Student Referrals:* Students who are eligible for special education whose parents elect to instruct them at home are registered through Northwest Regional Education Service District. Parents are required to notify NWRESA by October 1 of each school year of their intent to home school for the school year. If the student is eligible for special education services, the district is required to offer a Free Appropriate Public Education. If the student is suspected of having a disability and is not currently receiving services the case manager is to notify the district special education secretary and proceed with the referral process.

Early Intervention

Children ages 0-5 years of age are identified by the local school districts in collaboration with Northwest Regional Education Service District through a referral, evaluation and identification process. In addition, there is a transition process from Early Childhood Special Education (ECSE) into the public school.

ECSE Transition

Transition from ECSE to school-age special education services-

Before a child reaches the age of eligibility for public school, the district must continue the child's eligibility for school age special education services. The school district may conduct a reevaluation and reconsider eligibility for special education services.

The school district and the ECSE program must hold a meeting during the year before the the child is eligible to enter public school to determine steps to support the child's transition from ECSE to public schooling or other educational setting; and for a child eligible for school age special education services, to develop an IEP that is in effect at the beginning of the school year.

Organization of Support Services for all Children

Vernonia School District is committed to providing supports that enable all students to make significant academic progress. Throughout the district, teams of teachers work together to organize instruction in core academic subjects to provide students with appropriate instruction. The progress of students who are struggling is monitored frequently and instruction is adjusted based on need. Support programs such as English Language Learner (ELL) programs, Title 1A, academic and/or behavior interventions are aligned so that students in need of additional instruction are identified early and are provided with differentiated instruction.

The RTI program is utilized in the elementary school and is the primary vehicle to achieve this effort. The key purposes are:

1. To review schoolwide behavior and academic data in order to evaluate the effectiveness of the basic or “core” curriculum and instruction that is provided to all students.
2. To screen and identify students needing additional academic and/or behavior support.
3. To plan, implement, and modify interventions for these students. Depending on each student’s progress, a referral for special education may occur.
4. For ALL students, regardless of assignment to a special program such as ELL or special education, accountability for the effectiveness of supplemental instruction.

RTI is a structured, systematic team process. It is different from the traditional “pre referral” approach in the following ways:

1. Teams use screening data to look at the progress of all students in the school on a regular schedule (Fall, Winter, and Spring).
2. Teams use standard “decision rules” to decide which students need additional instruction.
3. Teams use standard “decision rules” to decide the type and amount of instruction students need.
4. All special programs work together to make these decisions and evaluate the effectiveness of programming.

It is important to note that in the RTI approach, teams of professionals work together to identify students who are struggling rather than waiting for a parent or teacher to make a referral. Experience tells us that this approach assures earlier identification and provision of appropriate programming. Since this process is essential to the Child Find process in Vernonia Elementary School and to the identification of students with learning disabilities, it is imperative that special educators understand and work to support the RTI process.

Students who are likely to be identified through the RTI process:

Typical students who have “hidden” disabilities such as learning disabilities, communication disorders (other than articulation), health impairments like attention deficit disorder and emotional disturbances will be successfully identified by the RTI team in the elementary school. The RTI system uses data that is sensitive to these kinds of disorders, including screening for phonemic awareness development, statewide assessment scores, behavior and attendance referrals, and progress report data. Using data allows for earlier identification. The RTI approach is used as a formal evaluation measure as part of the Specific Learning Disability evaluations.

Students who will not be identified through the RTI process:

Students who have obvious disabilities such as an intellectual disability, sensory impairments, health impairments such as chronic illnesses, traumatic brain injury, or autism will almost always be identified in Early Childhood Special Education or referred directly to the Special Education Evaluation Team. Similarly, older students who move into the district with serious skill deficits may be referred to the evaluation team. In these cases the evaluation team may coordinate with the RTI team to provide individualized academic interventions and the use of the problem-solving approach to best determine the cause of the student’s difficulties.

Evaluation

Students are referred to the Special Education Evaluation Team when the RTI team or the Behavior Education Support Team (BEST) makes a referral to Special Education or the parent makes a request in writing to the district special education director.

Evaluation Team Members:

- The parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education children with disabilities (School Psychologist, Special Education Teacher, Current Teacher, Speech and Language Pathologist); and
- Others as needed (Behavior Specialist, Counselor).

The team may make this decision without a meeting. If the meeting is held, parents must be invited to participate.

Notice of Team Meeting

The parent must be invited to participate in the Evaluation Team meeting. Written notice is provided using the **Notice of Team Meeting**. Document attempts to schedule meetings on the contact log in OrSPED. Notify all team members of the meeting.

Evaluation Planning Meeting

Before conducting an initial evaluation or reevaluation, the Evaluation Team must conduct an evaluation planning meeting.

- Introduce all participants including names, titles and describe the role of all participants.
- Clearly state the purpose of the meeting and expected outcomes.
- Designate someone on the team to take meeting minutes.
- Review existing evaluation data on the child including
 - Evaluations and information provided by the parents of the child.
 - Current classroom-based, district or state assessments and classroom based observations.
 - Observations by teachers and related service providers.
- On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether the child is or continues to be a child with a disability.
- The present levels of the academic achievement and related developmental needs of the child.
- Whether the child needs, or continues to need special education and related services.
- For reevaluation, whether the child needs any additions or modifications to special education and related services to enable the child to meet the measurable annual goals in the child's IEP; and to participate, as appropriate in the general education environment.

If the child's Evaluation/IEP team determines that no additional data is needed to determine whether the child is or continues to be a child with a disability and to determine the child's educational and developmental needs, the district must notify the child's parents:

- Of the determinations and the reasons for it.
- Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability, and to determine the child's educational and developmental needs.

- The district is not required to conduct an assessment of the child unless requested to do so by the child's parent(s).

Authorization to Use and/or Disclose Educational and Protected Health Information

If a student is being referred for eligibility that requires a medical statement, authorization to share information should be obtained during the Evaluation Team meeting.

Prior Notice about Evaluation/Consent for Evaluation

Before conducting any evaluation or reevaluation, the district must:

- Provide notice to the parent that describes any evaluation procedures the agency proposes to conduct as a result of the evaluation planning process.
- If using a response to intervention model for Specific Learning Disability eligibility, the parent must be notified of the following prior information: ODE and District policies regarding the amount and nature of student performance data to be collected in the general education services to be provided; strategies for increasing the child's rate of learning; and the parents right to request an evaluation using the parent notification when using RTI under IDEA or your child's instructional program in the Vernonia School District.
- Obtain informed written consent for evaluation using the **Prior Notice About Evaluation / Consent for Evaluation** form.
- Upon initial consent for evaluation the district must document that a copy of the procedural safeguards "**Parents Rights for Special Education**" has been given to the parent.

Referral to District Evaluation Team

The following documents must be completed and attached to the file review checklist before sending to the district assessment team:

- Pre-referral information (including RTI or BEST team data)
- Evaluation team meeting minutes.
- Prior notice / consent to evaluate.

Written Agreement for No 3 year Reevaluation

If the district and the parents agree, a 3-year re-evaluation does not have to be conducted when there is no possibility of a change in the student's eligibility status and new data is not necessary for educational decisions use the [Written Agreement between the Parents and District](#) form.

Refusal to Evaluate

If the district refuses to complete an evaluation or re-evaluation requested by the parents, the district must provide the parent with prior written notice using the **Prior Notice of Special Education Action** form.

Parents may challenge the district's refusal to conduct a reevaluation.

Medical Statement or Health Assessment Statement

Medical information is required for children evaluated for:

- Intellectual disability
- emotional disturbance
- Autism (as considered necessary by the evaluation team)
- traumatic brain injury
- voice disorders
- hearing impairments
- Vision impairment
- Orthopedic impairments
- other health impairment

The case manager / coordinator prepares a letter to the medical provider and includes specific questions for the medical provider. The letter is sent, along with the medical statement form to the physician. If requesting a district paid medical exam, the evaluation team should make a request to the Special Education Director for payment. A purchase order from the district, a medical statement form, consent to exchange medical information, and a cover letter identifying the team's concerns or questions are sent to the medical / health professional.

Assistive Technology Consideration

It is required that assisted technology services or devices be considered for all students with disabilities. As student data is reviewed and areas of need discussed, the team needs to consider ways AT might help improve the students functional capability.

Considerations of Autism Spectrum Disorder (ASD)

Invite your autism specialist to the evaluation team meeting. The role of the autism specialist at this point is to educate and assist the team to determine if a referral for an

ASD evaluation is appropriate. The autism specialist will review with the team: ASD in general - opportunity to provide general education information to the parents; characteristics of impairments, and concerns the school team consider; and the components of an ASD evaluation.

Transfer Students

- **In State**-Continue eligibility with current IEP and re-evaluation date. If continuing with current IEP, the following components must be entered into the district's records management system:
 1. Cover sheet, including dates and codes (participants names are not required)
 2. Goals
 3. Service Summary
 4. Placements including Federal Placement Code
- **Out of State**-New eligibility for the state of Oregon must be determined. Student is referred if more testing is needed to establish the student's eligibility status. These students are considered an initial eligibility and have a 60 contact day timeline to complete the eligibility.

Evaluation

The district must conduct an evaluation or re-evaluation process before:

- Determining that a child is a child with a disability
- Determining that a child continues to have a disability
- Changing the child eligibility
- Terminating the child's eligibility as a child with a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Initial Evaluation:

An initial evaluation must be conducted to determine if a child is eligible for special education services when the district's is suspects or has reasons to suspect that:

- The child has a disability that has an adverse impact on the child's educational performance; and
- the child may need special education services as a result of the disability.

Reevaluation:

The district must ensure that a re-evaluation of each child with a disability is conducted:

- If the district determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a re-evaluation; or

- If the child's parents or teacher requests a re-evaluation.

A re-evaluation for each child with a disability:

- May occur not more than once a year, unless the parents and public agency agree otherwise; and
- Must occur at least every three years unless the parent and public agency agree that a re-evaluation is not necessary.

Summary of Achievement and Performance:

The district must provide the students with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's post-secondary goals whenever a student's eligibility terminates due to:

- Graduation with a regular diploma; or
- Exceeding the age of eligibility.

Evaluation Timelines:

- Initial - an initial evaluation must be completed within **60 school contact days** from the date of written parent consent to the date of the meeting to consider eligibility.
- Re-evaluation - a re-evaluation must be completed within **60 school contact days** from the date of written parent consent to the date of the meeting to consider eligibility, continuing eligibility or the students educational needs.

Exceptions:

An evaluation may be completed in more than 60 school days under the following circumstances documented in the child's educational record:

- The parents of a child repeatedly fail or refuse to produce the child for an evaluation, or for other circumstances outside the school district's control.
- The student is a transfer student in the process of reevaluation and the district and the parents agree in writing to a different length of time to complete the evaluation;
- The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities.

Conducting an Evaluation

In conducting the evaluation, the team must:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including Information provided by the parent that may assist in determining:
 - whether the child is a child with a disability; and

- the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
- Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The team must ensure that:

- Assessments and other evaluation materials used to assess a child are:
 - selected and administered so as not to be discriminatory on a racial or cultural basis;
 - provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
 - Used for the purposes for which the assessments are measures are valid and reliable.
 - Administered by trained and knowledgeable personnel.
 - Administered in accordance with any instructions provided by the producer of the assessments.
- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child aptitude or achievement level or whatever other function the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- The child is assessed in all areas related to the suspected disability, including, if appropriate, Health, Vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- The evaluation includes assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

Evaluation Report

The team must prepare an evaluation report that describes and explains the results of the evaluation conducted. In interpreting evaluation data for the purpose of determining if a child is a child with a disability and educational needs of the child, each team must:

- Draw upon information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural backgrounds and adaptive behavior.
- Ensure that information obtained from all these sources is documented and carefully considered.

Report should include, but are not necessarily limited to:

- A statement describing the purpose of the evaluation.
- background information, including a review of cumulative records
- behavior during testing and a statement of the examiner's impressions of validity of results
- a description of any non-standard test administration procedures
- a description of each evaluation procedure or instruments
- the student's scores (standard scores, percentiles, Etc.) from each assessment.
- A statement of the relationship of assessment results and suspected disability.
- Recommendations to assist teacher(s) or parents to help the child benefit educationally from instruction.

The parents must be given a copy of the evaluation reports at the eligibility meeting.

Transfer Students

When a child with disabilities transfers from one school district to another school district in the same school year, the previous and current school district must coordinate any pending assessments as necessary and as expeditiously as possible to ensure prompt completion of the evaluation. This exception only applies if the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent in school districts agreed to a specific time for completion of the evaluation.

Guidelines for Evaluation of Children with Limited English Proficiency

Examiners should use caution when evaluating children with limited English skills. Use of an interpreter when administering test norms in English will compromise the validity of the assessments. Verbal scores may be influenced by cultural bias. Therefore, additional procedures and tests should be used.

1. Referral to special education should occur only after ELL interventions in the classroom have been unsuccessful for an extended time period. Children with documented physical disabilities or medical conditions (Down syndrome, fetal alcohol syndrome, fragile X, spinal bifida, cerebral palsy, etc.) that are likely to result in disability would not require these interventions.
2. Before referral for special education evaluation, any child from a non-English-speaking family should first be evaluated by specialists from the ELL program; this evaluation would include measures of the child's skill level in English and in the native language.
3. When evaluating for learning disabilities or intellectual disability, the evaluation should include a number of measures to determine eligibility (intelligence) levels. These would include nonverbal measures, verbal scores in the native language, if available, adaptive behavior ratings from classroom and from parents and information to determine whether the child had a normal or delayed development (developmental history).
4. Achievement testing will also vary. For most students who have been taught to read and write their native language, testing must be done in the native language. Those who have been taught only in English should have their achievement levels tested in English; and those who have had instruction in both languages must be tested in both languages.
5. When evaluating for language disability, the evaluation should include measures in both languages. When tests normed on an English-speaking population are administered in Spanish, the validity will be questionable. For this reason, scores need to be supported by language samples taken in both languages. The team must be sure that any delays are from a disability and not as a result of normal syntactic errors in English language development speakers. Pragmatic errors are considered to be more suggestive of a language disability than errors in syntax or morphology.

Eligibility

Upon completing the administration of Assessments and other evaluation materials, a team must determine whether the child is a child with a disability and the educational needs of the child.

Eligibility Team

The team must include:

- The parent

- two or more qualified professionals at least one of whom is knowledgeable and experienced in the evaluation and education of children with a suspected disability
- the team may be the child's IEP team

For a child suspected of having a specific learning disability, the team must also include:

- The child's regular classroom teacher
- If the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age is acceptable.

Notice of Team Meeting

The parents must be invited to participate in the eligibility team meeting. Written notice is provided using the **Notice of Team Meeting**. Document attempts to schedule eligibility meetings on a contact log. Notify all team members of the meeting.

Timelines

An eligibility meeting must occur no later than 60 school contact days after the parent provides written consent for an evaluation.

Eligibility Meeting

- Introduce all participants including names, titles, and describe the role of all participants - what people are expected to contribute.
- Clearly state the purpose of the meeting and expected outcomes
- agree on a time limit for the meeting.
- designate someone on the team to take meeting minutes.

Evaluation Report

Evaluation reports must be presented at the meeting. Reports should include, but are not necessarily limited to:

- A statement describing the purpose of the evaluation.
- Background information, including a review of cumulative records.
- Behavior during testing and a statement of the examiner's impression of the validity of results.
- A description of any non-standard test administration procedures.
- A description of each evaluation procedure or instrument.
- The students' scores (standard scores, percentiles, etc.) from each assessment.
- A statement of the relationship of assessment results and suspected disability.
- Recommendations to assist teacher(s) or parents to help the child benefit educationally from instruction.

Written Statement of Eligibility (Eligibility Form)

The team must review and complete the written statement(s) of eligibility for each of the suspected eligibilities.

The team must determine a child to be eligible under this rule if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.

Exclusionary Statements

The team may not find a child eligible for special education services if:

- The determinant factor for that eligibility decision is:
 - lack of appropriate instruction in reading, including the essential components of reading instruction, or lack of appropriate instruction in math; or
 - limited English proficiency; and
- the child does not otherwise meet the specific eligibility criteria under each eligibility statement.

Multiple Disabilities

For a child who may have disabilities in more than one category, the team need only qualify the child under one disability category. However, the child must be evaluated in all areas related to the suspected disability or disabilities and the child's IEP must address all of the child's special education needs.

Dissenting Opinion

If any member of the team disagrees with the eligibility determination, they may provide a dissenting opinion in writing.

Copy of Evaluation Report and Written Statement of Eligibility

Copies of evaluation reports and written statements of eligibility must be given to parents and documented on the eligibility form.

Initial Provision of Special Education

The Prior Notice of Consent for Initial Provision of Special Education Services

Must be signed by the parents before the student can receive special education services. The parent has the right to refuse special education services. No special education services will be provided until this form is signed.

Definitions of Disability Conditions

Children with disabilities or students with disabilities means children or students who require special education because of: autism; communication disorders; deafblindness; emotional disturbances; hearing impairments, comment including deafness; intellectual disability; orthopedic impairments; other health impairments; specific learning disabilities; traumatic brain injuries; visual impairments, including blindness; or for students kindergarten thru third grade-developmental delay.

- **Autism(82)** Means a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance. Other characteristics that may be associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age 3. Autism may include autism spectrum disorders such as but not limited to autistic disorder, pervasive developmental disorder - - not otherwise specified, and Asperger syndrome. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. However a child who qualifies for special education under the category of autism may also have an emotional disturbance as a secondary disability if the child meets the criteria under emotional disturbance.
- **Communication Disorder (50)** Means the impairment of speech articulation, voice, fluency, or the impairment of deviant development of language comprehension and / or expression, or the impairments of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.
- **Deafblindness(43)** means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for students having hearing or visual impairments.
- **Emotional Disturbance(60)** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
 - an inability to learn that cannot be explained by intellectual, sensory, or health factors
 - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers

- inappropriate types of behavior or feelings under normal circumstances
- a general pervasive mood of unhappiness or depression
- a tendency to develop physical symptoms or fears associated with personal or school problems
- the term includes schizophrenia but does not apply to children who are socially maladjusted unless it is determined that they have an emotional disturbance.
- **Hearing Impairment(20)** means a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf.
- **Intellectual Disability(10)** means significantly subaverage general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.
- **Orthopedic Impairment(70)** means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e. g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury).
- **Other Health Impairment (80)** means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:
 - is due to chronic or acute health problems (e. g. A heart condition, tuberculosis, rheumatic fever, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette syndrome, or diabetes); and
 - adversely affects a child's educational performance.
- **Specific Learning Disability (90)** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disabilities include conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage.
- **Traumatic Brain Injury (74)** means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational

performance. The term includes open or closed head injuries resulting in impairments in one or more areas including cognition, language, memory attention, reasoning, abstract thinking, judgment, problem solving, sensory perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

- **Visual Impairment (40)** Means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.
- **Developmental Delay (98)** children from birth to age 3 (under IDEA part C) and children from ages 3 through 9 (under IDEA Part B), the term developmental delay means a delay in one or more of the following areas: physical development, cognitive development, communication, social or emotional development, or adaptive development.

Individualized Education Program (IEP)

An [Individualized Education Program](#) serves the following purposes:

- Serves as a communication tool between parents and school personnel, and enables them as equal participants to jointly define the student's needs, determine type and level of services that will be provided to meet the needs, and anticipate outcomes of the services.
- Provides an opportunity for parents and school personnel to come to a mutual agreement regarding the students' individual educational needs
- Serves as an evaluation device for use in determining the extent of the student's progress toward meeting the stated goals and objectives.
- Sets forth in writing a commitment of school resources so that individual needs of the student may be addressed.
- Serves as a management tool to ensure that each student's individual needs are addressed.
- Serves as a monitoring instrument that may be used by parents, administrators, and authorized monitoring personnel to ensure that the student receives a free appropriate education.

When the [IEP](#) Must Be In Effect

The IEP must be in effect for each child with a disability:

- At the beginning of each school year, the 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.

For initial eligibility:

- 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.

Accessibility of [IEP](#)

The school district must ensure that the IEP is accessible to:

- Each regular education teacher, special education teacher, related service provider and any other service provider who is responsible its implementation; and
- Inform each teacher and provider of his or her 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.

Preparing for the [IEP Meeting](#)

In preparation for the IEP meeting, the case manager should:

- Complete/update all demographic information on the child.
- Consider Assistive Technology needs of the child.
- Develop a draft of the IEP or review the existing IEP.
- Review current progress, assessment data and other relevant information concerning the student.
- Identify the meeting participants.
- Invite team members

If you think there may be a disagreement at the meeting-invite the Special Education Director.

[Oregon Standard IEP Form](#)

The school district has elected to use the Oregon Standard IEP form in the development, review and revision of all IEP's

Special Education Staff are required to use the OrSped computer software program in the development of the IEP.

Identify the Meeting Participants

IEP Team members must include:

- One or both of the parents
- The child when appropriate
- At least one regular education teacher of the child-if the child is or may be participating in the regular education environment.
- At least one special education teacher of the child or , if appropriate, at least one special education provider of the child.
- A representative of the school district , who may also be another member of the team, who is:
 - Qualified to provide, or supervise the provision of, specially designed instruction
 - Knowledgeable about the general education curriculum
 - Knowledgeable about district resources
 - Authorized to commit district resources and ensure that services set out in the IEP will be provided.
- An individual who can interpret the instructional implications of of the evaluation results (who may also be another member of the team)
- Other individuals, including related services personnel, determined to have knowledge or special expertise regarding the child, invited by the parent or district.

If a purpose of the meeting will be consideration of the post-secondary goals for the student and the transition services needed to assist the student in reaching those goals:

- The school district must invite the student. If the student does not attend the meeting, the school district must take other steps to ensure that the student's preferences and interests are considered.
- To the extent appropriate, with consent of the parents or adult student, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Notice of Team Meeting

The parent must be invited to participate in the IEP team meeting. Written notice is provided using the **Notice of Team Meeting**. Document attempts to schedule IEP meetings on a contact log or in OrSped under control log link. Notify all team members of the meeting.

Additional parents participation requirements for IEP and placement meetings:

- The district must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate including:
 - notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
 - scheduling the meeting at a mutually agreed on time and place.
- If neither parents can attend, the school district must use other methods to ensure parent participation, including, but not limited to, individual or conference phone calls or home visits.
- An IEP or placement meeting may be conducted without a parent in attendance if the school district is unable to convince the parent that they should attend.
- If the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:
 - detailed records of phone calls made or attempted and the results of those calls
 - copies of correspondence sent to the parents in any response is received
 - detailed records of visits made to the parent's home or place of employment and the results of those visits.
- The district considers attempts to convince parents to attend sufficient if staff:
 - communicate directly with the parents and arranges a mutually agreeable time and place, and sends written notice to confirm this arrangement; or
 - Sends written notice proposing a time and place for the meeting and states in the notice that the parent may request a different time and place and confirms that the parent received the notice.
 - "Sufficient attempts" may all occur before the scheduled IEP or placement meeting and do not require the scheduling or multiple agreed-upon meetings unless the team believes this would be in the best interest of the child.
- If a purpose of the meeting is to consider post-secondary goals and transition services for a student, the written notice must also:
 - indicate this purpose
 - indicate that the school district will invite the students; and
 - identify any other agency that will be invited to send the representative.
- The school district must give the parents a copy of the IEP at no cost to the parent. If the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.
- When conducting IEP team meetings and placement meetings, the parent of the child with a disability and the district may agree to use alternative means of meeting participation, such as video conferences and conference calls.

IEP Team Attendance

- A member of the IEP team is not required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the school district agree **in writing** that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.
- A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the members area of curriculum or related services if:
 - the parents and School District consent in writing to the excusal; and
 - the member submits, in writing to the parents and the IEP team, input into the development of the IEP before the meeting.
- The regular education teacher of the child must participate as a member of the IEP team, to the extent possible, in the development, review, and revision of the child's IEP, including assisting in the determination of:
 - supplementary aids and services, program modifications and supports for school personnel that will be provided for the child; and
 - appropriate positive behavioral interventions and supports, and other strategies for the child.

Meeting Format

During the meeting

- Introduce all participants including names and titles
- describe the role of all participants - what people are expected to contribute
- clearly state the purpose of the meeting and expected outcomes
- agree on a time limit for the meeting
- designate someone on the team to take meeting minutes
- discuss and develop as a team, the sections of the IEP in the order presented on the IEP documents (work from a draft document or the previous IEP)
- explain **Procedural Safeguards Notice** "Parent Rights"; and
- set a timeline - not more than two weeks for the parent to receive a final copy of the IEP documents.

If at any time there is a disagreement regarding the content of the IEP that cannot be peacefully resolved during the meeting, the case manager should as politely as possible end the meeting and reschedule another IEP meeting to include the special education director.

Special Factors

In developing, reviewing, and revising the child's IEP, the IEP team must consider the following factors:

- Whether the child needs assistive technology devices and services. AT devices are items, equipment, or product systems used to increase, maintain, or improve the functional capabilities of a child. These devices may be either “low-tech” (e. g. color overlays, specialized pencil grips, or “high-tech” (e. g. computers, software applications, portable note-taking equipment). AT services assist the students in the selection, acquisition, or use of AT devices. IEP teams uncertain of the types of assistive technology available to support a specific student’s needs should complete a referral to the assistive technology team.
- The communication needs of the child. These may be addressed through specific goals and objectives, through related services, or through the provision of appropriate supplementary supports, modifications, or program accommodations.
- For a child whose behavior impedes the child's learning or that of others, the IEP must reflect the use of positive behavioral interventions, supports and other strategies to address that behavior. A Functional Behavior Assessment (FBA) and a Behavior Implementation Plan (BIP) should be considered.
- For a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP.
- For a child who is blind or visually impaired, provide for instruction in Braille and the use a Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; and
- For a child who is deaf or hard-of-hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

If, in considering the special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) for the child to receive a Free Appropriate Public Education, the IEP team must include a statement to that effect in the child's IEP.

Present Levels of Academic and Functional Performance (Considerations)

Present Levels statements serve as a foundation for the development of the IEP. They provide a clear picture of the student’s strengths and needs, as determined through evaluation. These statements guide the Team in identifying all services necessary to

address the students educational needs related to their disability. Present level statement should:

- be written in language that is easily understood by all IEP team members;
- identify how the students disability affects the student's involvement and progress in the general education curriculum (defined as the curriculum that is the same as for non disabled students);
- be based on student data, which reflects current academic achievement and functional performance;
- demonstrate a clear linkage between the needs identified by the data and the Present Level statements, the annual goal statements and all other services in the IEP; and
- indicate if a student has had an FBA (Functional Behavior Assessment) and / or BIP (Behavior Intervention Plan); and
- Provides data that compares student's level of functioning with same age/grade peers.

The Present Levels must include specific information addressing:

- The strengths of the student;
- the concerns of the parents for enhancing the education of their child;
- the present level of academic performance, including the student's most recent performance on state or district-wide assessments;
- the present level of Developmental and functional performance (including the results of the initial or most recent evaluation);
- how the student's disability affects involvement and progress in the general education curriculum; and
- for students 16 and older, the student's preferences, needs, interests, and the results of age appropriate transition assessment; and
- assistive technology

Transition

Transition services are part of a long-range plan that coordinates the last years of high school and the years immediately following high school. They are an overall description of the services that are needed for the student to achieve the post school outcomes desired, including all goals and objectives, activities, and other strategies determined by the Team as necessary to address the student's transition to post school life. The IEP team should document the student's transition services so that the linkage between the student's educational needs and the transition services the student will be provided is clear. The IEP team must actively involve the student in developing his / her IEP.

The IEP for a student of transition age must include:

- Appropriate measurable post-secondary goals based upon age- appropriate transition assessments related to training, education, employment, and, where appropriate, Independent Living skills.
- The course of study needed to assist a child in reaching these goals. This statement, which must be updated annually, it's meant to address the classes, experience, and activities that will be meaningful to the students' future, motivate the students to complete his or her education, and support post-school outcomes. A particular course of study may target academic classes, such as advanced placement courses, for the student. It also may focus on non-academic courses in activities such as vocational education courses or work experience. This course of study should relate directly to the students post-secondary goals (e. g., family and consumer science classes to acquire adult living skills, instruction in daily living skills, functional math and community-based work experience in food service; math coursework through Algebra 2, all industrial arts classes that focus on engineering and construction fields, and community work experience;college preparation courses).
- Agency participation, if the IEP team determines an agency is likely to be responsible for providing or paying for transition services. If the representative from any other agency likely to be responsible for providing or paying for transition services does not attend, the IEP should document their input. If a participating agency fails to provide agreed upon transition services contained in the IEP, the LEA responsible for the students education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives.
- The anticipated date of graduation and the type of diploma or alternate document the IEP team anticipates the student will receive.

School District and Participating Agency Responsibilities for Transition Services

- If a participating agency, other than the school district, fails to provide agreed upon transition services described in the IEP of a student with a disability, the school district must, as soon as possible, initiate an IEP meeting to identify alternative strategies to meet the transition objectives for the student set out in the IEP and, if appropriate, to revise the student's IEP.
- Nothing in this part relieves any participating agency, including a state Vocational Rehabilitation agency, of the responsibility to provide or pay for any transition services that the agency would otherwise provide to the student with disabilities who met the eligibility criteria for that agency.

Transfer of Rights

Procedural Safeguard rights associated with IDEA transfer to the student at the age of majority. In Oregon the age of majority is 18; when the student gets married; or when the student becomes emancipated. The IEP team must plan ahead, and assist the student and the parent in understanding and preparing for the transition rights. There are two points in time associated with transfer of rights. The first occurs at least 2 years before the student reaches the age of majority and is an IEP content requirement. The second occurs when the student reaches the age of majority, and is a Procedural Safeguard requirement requiring written notice, but it's not part of the IEP content.

- At least one year before the student turns 18: On the IEP form, the team documents that this discussion with the student regarding the transfer of rights has occurred. This is indicated on the IEP by checking the “yes” box under transfer of rights; and
- When the student reaches the age of majority: The district must provide written notice of the transfer to the student and the parent. This written notice must be provided at the time the student reaches the age of majority, which may or may not be at the time of the annual review.

Participation in Statewide/Districtwide Assessment

All students in Oregon must have full access to the Oregon Statewide Assessment System (OSAS). The IEP team must document decisions about the student's participation for each assessment area that is conducted for the student's grade level during the IEP period.

A public agency shall not exempt a student with a disability from participation in the Oregon State Assessment System to accommodate the student's disability unless the parent has requested, **in writing to the district superintendent**, an exemption. Team should complete the assessment decisions for all students on the IEP form and fully explain to the parent the contents of the selected assessment.

The IEP team must determine the student's appropriate levels of participation in the OSAS for each subject area of assessment. For many students with disabilities, the decisions will not be difficult. For some, however, the team will need to make an extra effort to determine the appropriate test. Input from every member of the IEP team, including the parent, is helpful in determining the assessment that best allows the students to demonstrate his / her knowledge and skills in each subject area test. The assessment options are:

- Assessment Based on Grade Level Achievement Standards (with or without accommodations)
- Alternate Assessments based on Alternate Achievement Standards-Extended Scaffold or Standard Administration.

In addition to decisions regarding participation in Statewide assessments, all students must have full access to district-wide assessments. At this time Vernonia School District assesses Kindergarten through 5th grade levels for reading.

Measurable Annual Goals, Including Academic and Functional Goals

Annual goals are statements, written in measurable terms that describe what the student can reasonably accomplish in a 12-month period. There should be a direct relationship between the goal statements and the student's present level of educational performance. The goal should also be designed to assist a student in reaching the student's post-secondary goals.

- In developing the measurable annual goals the IEP team must consider:
 - meeting the student's needs that result from the disability;
 - meeting the student's needs to enable involvement in and progress in the general education curriculum;
 - instruction and / or related services;
 - community experiences;
 - employment and other post school adult living objectives; and
 - acquisition of daily living skills, if appropriate
- Each goal must include:
 - **Criteria:** How will the skill be demonstrated by the student to be considered successful; and
 - **Evaluation Procedures:** How the students' performance will be evaluated. Identify the criteria and evaluation procedures for each annual goal.

How Progress will be Reported to Parents

The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when progress reports will be provided. Progress toward annual goals must be reported to parents at least as often as non disabled children receive written reports to parents. Progress reports are sent four times per year (usually the natural school reporting dates for quarter and semester) including the annual IEP review. They include a description of how the child's progress toward meeting the annual goals will be measured and when the reports will be provided.

- Identify how progress will be reported to parents: **written progress report**
- When progress will be reported to parents: **four times per year including IEP.**

Short Term Objectives

The IEP must include measurable short-term objectives for students taking **alternate assessments** based on alternate achievement standards.

Write short-term objectives for the student. Short-term objectives are intermediate performance steps that will enable parents, students, and teachers to gauge, at intermediate times during the year, how the student is progressing toward the annual goals by either:

- Breaking down the skills described in the goal into discrete components; and
- describing the amount of progress the student is expected to make within specified segments of the year.

Service Summary

The service summary documents the IEP team's decision regarding necessary services for the student. These Services must be based on peer-reviewed research, to the extent practicable.

Indicate the services that will be provided to, or on behalf of, the student. (If necessary, use a second page to document additional services.)

- **Specially Designed Instruction**-Adapting, as appropriate to the needs of an eligible child the content, methodology, or delivery of instruction:
 - to address the unique needs of the child that result from the child's disability; and
 - to ensure access of the child to the general education curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.
- **Related Services**-Services that assist the student to benefit from his or her special education program. Related services are provided to help the student achieve his or her annual goals and objectives. Related Services include but are not limited to:
 - Transportation
 - Speech/Language
 - School health
 - Nurse
 - Audiology
 - Occupational Therapy
 - Physical Therapy
 - Counseling
 - Psychological
 - Orientation and Mobility

- **Supplementary aids/services**-Services and other supports that are provided to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate (in regular education classrooms, extracurricular and non-academic settings).
- **Accommodations**-Supports / services that assist students in accessing their grade level curriculum and validity demonstrating their learning. It is an alternative approach to how curriculum or assessments are presented to or responded to by the student: they include a variety of alternatives to presentation format, response format and setting, timing and scheduling. An accommodation does not substantially change grade level content or performance criteria. The changes are made in order to provide a student equal access to learning and equal opportunity to demonstrate their learning.
- **Modifications**-Changes to instruction and / or performance that results in a student working toward a different standard or grade level goal than other students at their grade level. It is a substantial change in what a student is expected to learn and / or demonstrate. The changes are made to provide student opportunities to participate meaningfully and productively in learning experiences and environments. They include changes in instruction level, content and performance criteria.
- **School personnel supports**- Specify training to be provided to a teacher on behalf of the students.

Indicate the anticipated amount / frequency, location (e. g., general education classroom, resource room, self-contained classroom, work site, etc.), starting and ending dates for services (month, day, and year), and provider for:

- Each area of specially-designed instruction (e. g., reading, math);
- any related services to be provided;
- Modifications, Accommodations and / or Supplementary Aids and Services to be provided to the student;
- supports for school provided on behalf of the student.

The amount / frequency of any service should NOT be identified as a “range” (e.g. “30-60 minutes/week) or as an unspecified period of time (e.g. “as needed”, “if appropriate”). The amount / frequency of each service cannot be established based on convenience of school personnel, or because of shortages of personnel or uncertainty regarding staff availability.

- Indicate provider - in most instances the provider will be LEA (Local Education Agency). Only Regional Services provided for the following services are listed as Regional:
 - a. Autism Specialist Services - direct or consult;

- b. Deaf/Hard of Hearing Specialists/teacher services-direct and/or consult.
- c. Orthopedic Services (Occupational and/or Physical Therapy) for student with “Severe OI” or written evaluation.
- d. Vision specialist/ teacher services-direct or consult.

Nonparticipation Justification

IEP must explain the extent, if any, to which the student will not participate with non-disabled peers in the regular classroom and in extracurricular and other non-academic activities.

A child may be educated in a non-inclusive setting when the following factors have been considered:

- The educational benefits of full-time placement in regular education;
- the non-academic benefits of such placement;
- the effect the disabled child has on the teacher and the children in the regular education classroom; and

There must be a description of the extent (amount) of any removal from the regular class environment, and provide justification for the removal.

Statements might include: Student (name) will be pulled out of the general education environment for ____ minutes (weekly, daily, or monthly) to meet their IEP goals in _____, _____, and _____.

Special Transportation

Special transportation can be arranged for students who are unable to ride the regular bus for the following reasons:

- Student in a wheelchair or has other medical conditions which may be permanent or temporary.
- Student has a documented behavior problem related to his / her disability, which impedes his / her success on the larger bus.
- Student attends a program outside his / her home school area.
- Student is on an IEP and transportation is part of the IEP.

Transportation Protocol

- The IEP team determines that transportation is necessary for the student and documents on the IEP.
- Transportation department is notified.
- Transportation department bus driver contact the parent regarding pick-up and drop-off times

It takes at least two days to add new Transportation or make changes to current transportation.

Extended School Year (ESY) Services

What is Extended School Year (ESY)?

- ESY Is the provision of special education and related Services outside the normal school time or calendar.
- ESY Is only given to students when breaks in the school year cause the student to lose skills on IEP goals - regression, and the student doesn't regain - recoupment- those skills back after a reasonable period of time.
- The purpose of ESY is to address IEP goals. ESY is not available for related services only.
- ESY looks very different for different children.

Who gets ESY?

- Any student with a disability who:
 - loses skills on IEP goals during breaks; and
 - doesn't gain the skills back in a reasonable period of time after the break.
- Who decides who gets ESY?
 - the IEP team makes the decision;
 - the IEP team must consider ESY if a parent or school personnel brings it up.
- Documenting team decision for ESY:
 - if the team determines that the student needs ESY Services check “yes” and identify the specific areas from the child's IEP in which regression and lack of recoupment occur and determine the specific ESY services to be provided on the service summary.
 - If the team determines that ESY services are to be considered at a later date, indicate the date by which the team will meet again to discuss the need for ESY services.
 - If “yes” Case manager should:
 - Amend service summary to reflect ESY as a service
 - sign written agreements to change IEP
 - fill out Action Form
 - If “no” case manager should:
 - fill out Action Form indicating no ESY
 - If ESY consideration with a parent request in the team decides that the child does not qualify for ESY, the team completes a Prior Notice of Special Education Action form describing the school's refusal to provide the services.

Guidelines for Determining Regression/Recoupment

Complete the **ESY Worksheet**.

The only required consideration is documented evidence (data) related to regression and recoupment, or in the absence of such evidence, the professional judgment of the IEP team members.

1. To determine regression and recoupment, the IEP team must insure that the following information is available:
 - a. information indicating the student's level of functioning on the IEP goals under consideration taken immediately before a planned break in educational services;
 - b. information indicating the degree of regression on the IEP goal under consideration that has occurred over the break time; and
 - c. information regarding the student's level of functioning on the IEP goal under consideration taken at the conclusion of a reasonable recoupment period after the break in educational service.
2. Sources of data for documenting regression and recoupment periods may include:
 - a. progress on goals and objectives on consecutive IEP's;
 - b. progress on reports maintained by educators, specialist, and others having direct contact with the student before and after interruptions in the educational program;
 - c. reports by parents of loss of skills listed on the IEP over break periods; medical and other agency reports indicating degenerative-type difficulties which become exacerbated during periods of educational services;
 - d. observations by educators and others, and
 - e. results of criterion-referenced tests.
3. Data collection techniques for documentation may include written documentation such as:
 - a. daily monitoring;
 - b. Behavior checklist;
 - c. Student Self assessments;
 - d. parent assessments; and/or
 - e. documented observations of the student.
4. Reasonable recoupment periods are:
 - a. six to eight-week break - 20 - 30 instructional days;
 - b. three to six week break - 5-7 instructional days;
 - c. two-week break -3-5 instructional days;
 - d. one week break - 2-3 instructional days.

The team may not use a lack of sufficient documentation as a basis for denying ESY if inadequate efforts have been made to collect sufficient documentation. The team must consider predictions of future loss and failure to regain skills. The team will use their judgment to determine if the student's lack of progress, severity of disability, and / or current breakthrough opportunities are likely to result in regression or lack of recoupment without ESY services.

Transfer Students

- In-state: if a student with a disability (or who had an IEP that was in effect in a previous school district in Oregon) transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district (in consultation with the child's parents) must provide a free appropriate public education to the child (including services comparable to those described in the child's IEP from the previous district), Until the new district either:
 - adopts the child's IEP from the previous school district; or
 - develops, adopts and Implements a new IEP for the child.
- Out-of-state: if a child with a disability (who had an IEP that was in effect in a previous school district in another state) transfers to a new district in Oregon, and enrolls in a new school within the same school year, the new school district (in consultation with the child's parents) must provide a free appropriate public education to the child (including services comparable to those described in the child's IEP from the previous district), until the new district:
 - conducts an initial evaluation (if determine necessary by the new district); and
 - develops, adopts and implements a new IEP, if appropriate, that meets applicable requirements.

Progress Reports

All progress reports are completed in the district records management system (OrSped) and should be completed four times each year including the annual IEP review. These reporting periods should occur at the natural reporting times when all students are receiving progress reporting information (quarter, end of semester,etc.).

Respond to each goal's progress with a sentence or two that describes where the student is currently functioning in relation to the goal. The report should closely align with the current and specific data that you have on the student's daily work or most recent assessments. You should have frequent progress monitoring data on each goal and should use this and current information to report student progress.

Grading

If grades are the standard used for granting general education credit, students with disabilities enrolled in that class should receive grades. Grades provide a measure of the student's mastery of a particular subject area.

Alternative grading systems such as pass / fail may be appropriate as long as those grading policies and practices are not discriminatory and are available to all students.

The IEP team decides whether a student will or will not be graded using an alternative grading system.

- Modified grades cannot be used unless identified on the IEP(this is an IEP team decision).
- We cannot identify a student as special education on a report card-- we can give the course or class a different name
- An asterisk can be used to signify modified grades
- We cannot use an asterisk with the word IEP.

Review and Revision of IEP's

Annual review of the IEP:

Each district must ensure that the IEP team reviews the child's IEP periodically, but at least once every 365 days, to:

- Determine whether the annual goals for the child are being achieved; and
- revise the IEP, as appropriate, to address:
 - any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
 - the results of any re-evaluation;
 - information about the child provided to, or by, the parents;
 - the child anticipated needs; or
 - Other matters.

Agreement to amend or modify IEP between annual IEP team meetings:

- Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP rather than by redrafting the entire IEP; or
- the parents and school district may agree that an IEP meeting is not necessary to revise the student's IEP between annual IEP meeting.

If changes are made to the child's IEP:

- Complete the **Written Agreement** form;
- Give the parent [Prior Notice of Special Education Action](#) describing the IEP change;

- The IEP revision must be written on the student's IEP, dated and amended in the District records management system (OrSped).
- if new IEP pages are required, these pages must be stapled to the IEP;
- A complete copy filed with the student's education records; and
- a copy given to the parent upon request.

Send copies of the following items to the district office:

- IEP cover page with date amended;
- Signed and dated **Written Agreements**;
- Revised IEP pages; and
- **Prior Notice of Special Education Action**

Placement and Least Restrictive Environment

Requirement for Least Restrictive Environment

The district must ensure that:

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled: and
- Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary AIDS and services cannot be achieved satisfactorily.

Alternative Placements and Supplementary Aids and Services

The district must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must:

- Include as alternative placements, instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions; and
- make provision for supplementary aids and services(such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Placement of the Child

The district must ensure that the educational placement of a child with a disability:

- Is determined by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- Is made in conformity with the Least Restrictive Environment provisions;
- Is based on the child's current IEP;
- Is determined at least once every 365 days; and
- Is as close as possible to the child's home.

The district must further ensure that:

- Alternative placements are available to the extent necessary to implement the IEP for each child with a disability;
- Unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if not disabled;
- In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs;
- A child with a disability is not removed from education in age-appropriate regular classroom solely because of needed modifications in the general education curriculum.

Nonacademic Settings

- In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals and recess periods, each school district must ensure that each child with a disability participates with non disabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.
- School districts must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate and non-academic settings.

Special Education Placement Determination

The **Special Education Placement Determination** Form is used to document:

- The placement decision is made by a group of people, including the parents, that are knowledgeable about the student and knowledgeable about the evaluation data and placement options.
- The IEP / placement teams consideration of placement options and placement determination in accordance with the least restrictive environment requirements.
- That the parent has been given a copy of the placement form.

Directions:

1. To document placement determination, the placement team reviews the current IEP and the services identified that are to be provided, and the current evaluation information. Any evaluation information used in determining placement should be attached or listed under “other”.
2. After reviewing the IEP and evaluation data, identify and document all placement options considered. For example:
 - a. Regular classes with special education support support;
 - b. Regular classes within class support;
 - c. Separate classes (e.g. life skills class, Behavior Support class, social learning class).
 - d. Special or separate school;
 - e. Residential placement (e.g. classroom instruction with residential placement, residential treatment program);
 - f. Hospital / Institution (classroom instruction in hospital, individual instruction in hospital);
 - g. Home instruction.
3. For each of the placement options considered, describe:
 - a. the benefits of this placement (e.g. academic benefits, non-academic benefits);
 - b. the possible harmful effects on the child or on the services in this placement option;
 - c. the modifications / services that were considered to maintain the student in a least restrictive option (before selection of a more restrictive option).
4. Document which placement option is selected / rejected and the reason why.
5. List all members participating in the placement decision. This can be accomplished by gathering signatures of participants on the **Placement Determination Form**.
6. Give the parents a copy of the **Placement Determination** form;
7. After making the placement determination, enter the federal placement code for the placement selected.

NOTE:

All **initial** placements require **Prior Written Notice and Consent**. Any **changes** in placement, made during the subsequent annual placement review, require **Prior Written Notice**. The team can provide this notice by using a [Prior Notice of Special Education Action form](#).

The district must also provide prior written notice of refusal if the parent requests placement, the team considers but does not reach consensus, and the district resolves the lack of consensus by refusing the parents requested placement.

Placement Reporting Codes:

- 30: outside the regular class less than 21% of the day.
- 31: outside of the regular class 21%-60% of the day
- 33: outside of the regular class more than 60% of the day.
- 34: Public separate school
- 35: Public private school
- 36: Public residential
- 32: Hospital
- 39: Homebound

Secondary Transition

The purpose of IDEA 2000 it's to ensure that all children with disabilities have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for **future education, employment and independent living.**

Transition Services Definition:

Transition services are to be a coordinated set of activities for a student with a disability:

- That is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult Services, independent living, or community participation.
- Is based on the individual student's needs, taking into account the student's strengths, preferences, and interest, and includes:
 - Instruction;
 - related services;
 - community experiences;
 - the development of employment and other post school adult living objectives; and
 - if appropriate the acquisition of daily living skills and the provision of a functional vocational evaluation.

Age for Beginning Transition Services:

Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter. The student must be invited to all IEP meetings where transition will be discussed. The IEP team must actively involve the student in developing his / her IEP. If the student does not attend, other steps are required to ensure that his / her strengths, preferences and interests are considered as part of the IEP development. These strengths, interests and preferences will describe what the student wants to do when he / she has completed school, such as;

- Further education, employment, military, etc.
- How they want to live (e.g., Independent living, apartment, group home, etc.); and
- How they want to take part in the community (e.g., transportation, recreation, etc.) after high school;

IEP Team Transition Responsibilities

The IEP team must develop and document:

- Present levels of academic achievement and functional performance
- Measurable annual goals, including academic and functional goals
- Agency participation
- Graduation date
- Post secondary goals
- Secondary transition services (including course of study)
- Transfer of rights

IEP-Agency Participation

To the extent appropriate, with the consent of parents or a student who has reached the age of majority, the district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. If the agency representative does not attend, the IEP team should document their input. If a participating agency fails to provide agreed-upon transition services contained in the IEP, the school district is responsible to initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives.

Relevant agency should include:

- Vocational Rehabilitation Department
- County Developmental Disability Services
- County Mental Health Services
- Career/Job Centers
- Independent Living Centers
- College Disability Coordinator

- School or Career Personnel

Post Secondary Goals

The IEP must include appropriate measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills.

Tools to develop post-secondary goals:

- Student's interests and preferences
- Student interview and inventories
- Family interview and inventories
- Career exploration activities, job shadowing, structured work experience
- Interest and aptitude testing
- Community participation (e.g., church, clubs, etc.)
- Person centered planning, MAPS
- Input from peers, family, extended family and others who know the student.

Secondary Transitioning Services

The IEP must include the transition services (including course of study) needed to assist the student in reaching the post-secondary goals. Transition services for a student with disabilities may be special education, if provided as specially-designed instruction, or a related service, if required to assist a student with a disability to benefit from special education.

1. Course of Study to Meet Post-Secondary Goals

The course of study statement helps delineate the students' course work during high school. A student's course of study, which must be updated annually, should relate directly to the student's post-secondary goals. The student's long-range goals may change over time so the course of study must be reviewed annually.

The course of student statement should address the classes, experience, and activities that will be meaningful to the student's future, motivate the student to complete his or her education, and support post-school outcomes.

2. Transition Services

The IEP team must indicate the transition services that are addressed in the IEP (e.g., instruction, community experiences, employment, and other post-school adults living objectives, daily living skills, and / or functional vocational evaluation, if appropriate). The student's needed transition services are part of a long-range plan that coordinates the last years of high school and the years immediately following high school. The

services are focused on improving the academic and functional achievement of the student with a disability to facilitate movement from school to post school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing adult education, Adult Services, independent living or community participation.

Transfer of Rights

Procedural Safeguard rights associated with IDEA transfer to the student at the age of majority. In Oregon, the age of majority is 18, or when the student gets married or becomes legally emancipated. The IEP team must plan ahead, and assist the student and the parent in understanding and preparing for the transition of rights that will occur. There are two points in time associated with the Transfer of Rights. The first occurs at least one year before the student reaches the age of majority, and is an IEP content requirement. The second occurs when the student reaches the age of majority, and is a Procedural Safeguard requirement.

- **At least one year before the student turns 18:** On the IEP form, the IEP team documents that the discussions with the student and parent regarding the Transfer of Rights has occurred.
- **When the student reaches the age of majority:** The district must provide written notice of the transfer to the student and the parent. The **Notice of Transfer of Special Education Rights** form must be provided at the time the student reaches the age of majority, which may or may not be at the time of the annual review.

Summary of Performance IDEA

The school district must provide a summary of performance to students who are graduating from secondary school with a regular diploma, or are leaving due to exceeding the age of eligibility for a free appropriate public education (end of school year in which they turn 21). The Summary of Performance includes a summary of the academic achievement and functional performance, and recommendations on how to assist the student in meeting the students post-secondary goals.

The Summary of Performance does not require new testing. It is based on a student's post-secondary goals and should include a statement about strengths and needs. Data should be distilled into understandable and usable terms that are not jargon or a list of test scores.

IDEA Does not explicitly require a Summary of Performance for students who are leaving school before the end of their entitlement period due to graduation with a modified diploma or another diploma or certificate. ODE recommends providing a Summary of Performance for these students.

Post School Outcome Data Collection

The purpose is to calculate the percentage of youth, who had IEPs, are no longer in secondary school and have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. The population for data collection includes dropouts, graduates, and students who have aged out. All exiting students will be given the opportunity to participate in the Exiting Survey each spring and the follow-up interview one year after graduation. Students who are 18 years old and over must sign an agreement to participate form. Students who are under 18 must have the participation form signed by a parent or guardian.

ODE will provide the district with a list of students to be interviewed in each year, including students who dropped out.

Behavior/Discipline

Behavior Intervention Process

Special education students with behavioral disabilities are protected by measures such as Functional Behavioral Assessment (FBA), Behavior Intervention Plan (BIP), and behavior goals in their Individual Education Plan (IEP). These processes are designed to ensure students access to a free and appropriate public education (FAPE).

Functional Behavioral Assessment (FBA) is:

- A comprehensive and individualized approach to gathering information about the things or events that influence a person's behaviors;
- An individualized assessment of the student that results in a hypothesis about the function of a student's behavior; and
- As appropriate, used to guide the development of a Behavioral Intervention Plan (BIP).

Behavioral Intervention Plan (BIP) is:

- An individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
- A plan for staff to intervene with a student in order to encourage positive behavior and to decrease targeted misbehavior.
- To be written for the length of the IEP (one year). The plan becomes part of the IEP.

Guidelines Regarding Behavior Intervention Plans

An effective behavior intervention plan will:

- Increase the desired behavior
- Decrease the undesired behavior
- Make adaptations to the instruction, curriculum and environment
- Provide consistent positive consequences

Behavior IEP Goals are to articulate long-term goals and short-term objectives based on the Behavior Intervention Plan (BIP) for addressing student skill acquisition in assuming responsibility for academics, relationships, and expectations.

Behavior Data is required to be collected on the implementation and monitoring BIP and behavior IEP goals. It is recommended that the intervention data collection process:

- Be made as simple as possible;
- Utilize existing data collection whenever feasible;
- Be based on information outlined in the PLEP of the IEP and may include but is not limited to attendance, grades, disciplinary referrals, student and family self-report, staff report, anecdotal information and student assessment data.
- Include a daily communication process between home and school whenever practical and possible and can become a component of the data collection process.

Prior to Disciplinary Action-Be Proactive:

- Build relationships with parents, students, administration, and other teachers.

- Ensure that students have appropriate goals, supports, strategies, materials, and expectations.
- Make adjustments in the IEP - providing effective instruction in both academic and social skills.
- Complete a Functional Behavior Assessment (FBA).
- Develop or modify a Behavioral Implementation Plan (BIP).
- Make schedule changes - more / less time in the special education classroom.

Disciplinary Action May Result in the Following:

- Changes in the IEP and/or placement;
- Disciplinary removal that is not a change in placement;
- Disciplinary removals that are a change in placement;
- Disciplinary removals to an interim alternative educational setting.

Discipline/Suspension/Expulsion

Children with disabilities can be suspended from school for up to 10 school days per year without services. Beyond those 10 days certain requirements must be met. Following are some terms and their definitions as they apply to discipline and special education law.

- **Current Educational Placement** Means the type of educational placement of the child as described in the child's annual determination of placement document at the time of the disciplinary removal. It does not mean the specific location or school but the type of placement on the continuum of placement options (e.g., regular classroom with support; regular classroom with resource room support; special class; special school; home instruction, etc.).
- **Disciplinary Removal** means suspension, expulsion, or other removal from school for disciplinary reasons including removals for mental health examinations for students who threatened violence or harm in public schools. It does not include:
 - Removals by other agencies;
 - Removals for public health reasons (e.g. immunizations, communicable diseases, etc.);
 - In-school suspensions If the child continues to have access to the general curriculum and to special education and related services as described in the child's IEP, and continues to participate with

non-disabled children to the extent that they would in their current placement; or

- Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

Suspension means any disciplinary removal other than expulsion.

Disciplinary Removals for up to 10 School Days for Children with Disabilities

The district may suspend children with disabilities from their current educational placement for up to 10 school days in a school year to the same extent, and with the same notice, as for children without disabilities. These removals are not considered a change in placement.

- During disciplinary removals:
 - School districts are not required to provide access to special education and the general education curriculum unless students without disabilities are provided access during this time.
 - School districts are not required to determine whether the child's behavior resulting in disciplinary removal is a manifestation of the child's disability.
- For the purpose of counting days of suspensions:
 - Suspensions of half day or less are counted as a half day.
 - Suspensions of more than half day are counted as a whole day.
- For the purposes of determining current educational placement:
 - Children who received special education services in another state and are found eligible for special education in Oregon shall be treated as if initially placed in special education in Oregon, and any days of suspension accrued in the former state shall not be counted toward the 10 days.
 - For children who move from one school district to another school district in Oregon, any days of suspension from the former district carry over to the new school district unless the school district does not have actual knowledge of the previous suspensions.
- If a parent requests a due process hearing because they disagree with the suspension, the child shall complete the suspension and then return to

their current educational placement, or if the parent and school district agree, to another placement pending the hearing.

Additional Disciplinary Removals of up to 10 School Days (No Pattern)

The district may suspend children with disabilities from their current educational placement for additional periods of up to 10 school days in a school year to the same extent, and with the same notice, as for children without disabilities, if the removals do not constitute a pattern. These removals are not considered a change in placement.

- During disciplinary removals:
 - the length of each removal;
 - the total time of removals; and
 - the proximity of the removals to one another.
- Services during removals:
 - The district shall provide services that are necessary to enable the child:
 - To appropriately progress in the general education curriculum;
 - To appropriately advance toward achieving the goals in the child's IEP.
 - The services, and the location for delivery of those services may be determined by school personnel, in consultation with the child's special education teacher, or by the child's IEP team.
 - Within 10 business days of the first day of removal, school districts shall hold an IEP meeting:
 - Develop a plan for conducting a functional behavioral assessment unless a functional behavioral assessment has been completed on the behavior that resulted in the removal;
 - If there is a behavioral intervention plan in place, to review the plan if one or more team members believe that revisions are needed.
 - As soon as practical after developing a plan for conducting a functional behavioral assessment and completing the assessments required by the plan, the school district shall hold an IEP meeting to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.

- School districts are not required to determine whether the behavior resulting in removal is a manifestation of the child's disability.
- Upon subsequent removals of up to 10 school days that are not a pattern, the IEP team shall review the behavior intervention plan and its implementation to determine if modifications are necessary.
- If a parent requests a due process hearing because they disagree with the suspension, the child shall complete the suspension and then return to their current educational placement pending the hearing unless the parent and school district agree to another placement.

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

- The 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).
 - The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern.
- 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. [Manifestation Determination](#)-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 disability is a manifestation of the student's disability. Document the meeting using the [Manifestation Determination Form](#).
- Manifestation-If the determination is that the child's behavior is a manifestation of the child's disability, the school district must:
 - return the child to the placement from which the child was removed, unless:
 - The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan;
 - The school district removes a child to an interim alternative educational setting for a weapons or drug violation or for infliction of serious bodily injury;

- The school district obtains an order from an administrative law judge allowing a change in placement to an interim alternative educational setting for injurious behavior; and
 - Either:
 - Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and Implement a behavior intervention plan; or
 - If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.
- No Manifestation-If the determination is that the child's behavior is not a manifestation of the child disability:
 - the school district may proceed with disciplinary action applicable to children without disabilities, in the same manner and for the same duration in which the procedures would be applied to a child without disabilities.
 - On the date on which the decision is made to remove the student, notify the parents of that decision and provide the parents with notice of procedural safeguards.
 - Provide services to the student in an interim alternative educational setting, determined by the IEP team; and
 - Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violations so that it does not reoccur.
- Placement pending due process hearing- If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal, the child remains in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever occurs first, unless the parent and school district agree otherwise.

Manifestation Determination

- In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parents, 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
- The conduct in question was the direct result of the school district's failure to implement the IEP.
- If the school district, the parents, and relevant members of the IEP team determine that either of the above is 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 these deficiencies.

Removal to an Interim Alternative Educational Setting by the School District

Drug means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or otherwise legally possessed. It does not include alcohol or tobacco.

Drug Violation means to use, possession, sale or solicitation of drugs at school or a school function.

Serious bodily injury-means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Weapon-means a weapon, device, instrument, material or substance, animate or inanimate, that is used, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 and 1/2 in in length.

Weapon Violation-means carrying a weapon to school or to a school function or acquiring a weapon at school.

The district may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child's disability for:

- A drug or weapon violation; or
- If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.

A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

School Personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal for a child with a disability who violates a code of conduct.

For removals due to drugs, weapons, or serious bodily injury, school districts must:

- On the date on which the decision is made to remove the student, notify the parents of that decision and provide the parents with notice of procedural safeguards;
- Provide the services to the student in an interim alternative educational setting, determined by the IEP team;
- Within 10 school days of any decision to remove a child determine whether the child's behavior is a manifestation of the child's disability; and
- Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violations so that it does not reoccur.

Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal of the interim alternative education setting, or any decision about placement related to a disciplinary removal, the child remains in the interim

alternative educational setting pending the decision of the administrative law judge, or until the end of the removal, whichever occurs first, unless the parents and school district agree otherwise.

Removal to an Interim Alternative Educational Setting by an Administrative Law Judge (Injurious Behavior)

Injurious behavior means behavior that is substantially likely to result in injury to the child or others.

- The district may request an expedited due process hearing to obtain an order from an administrative law judge to order a change in placement of the child to an interim alternative educational setting for not more than 45 school days for injurious behavior.
- The Interim alternative educational setting must meet the requirements.
- The procedures may be repeated if the school district believes that returning the child to the original placement is substantially likely to result in injurious behavior.
- Nothing in this rule precludes a school district from seeking a court order to remove a child from the child's current educational placement to another placement if the district believes that maintaining the child in the child's current educational placement is substantially likely to result in injurious behavior.

Requirements of an Interim Alternative Educational Setting

An interim alternative educational setting must:

- Be determined by the child's IEP team; and
- Enable the child to:
 - Continue to participate in the general curriculum, although in another setting; and
 - Progress toward achieving the goals in the child's IEP.

Protections for Children Not Yet Eligible for Special Education

- The provisions apply to children not yet identified as children with disabilities if the school district had knowledge that the child is a child with a disability.
- For the purposes of this rule, a school district “had knowledge” if, before the behavior that precipitated the disciplinary action occurred:

- The parent of the child expressed a concern in writing to supervisory or administrative school personnel or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested a special education evaluation of the child; or
- the teacher of the child, or other school personnel, express specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or other supervisory personnel of the district.
- A school district will not be considered to have had knowledge that the child was a child with a disability if:
 - The parent of the child has not allowed an evaluation of the child or has refused; or
 - The child has been evaluated, and the child was determined not eligible.
- If the school district did not have knowledge before taking disciplinary action against the child, the district may take the same disciplinary actions as applied to children without disabilities who engage in comparable behaviors. However:
 - If a special education evaluation is requested or if the school district initiates a special education evaluation, the evaluation must be conducted in an expedited manner.
 - Until the evaluation is completed, the child remains in the educational placement determined by school personnel, which can include suspension, expulsion, or placement in alternative education.
 - If, on completion of the evaluation, the child is determined to be a child with a disability, the school district must conduct an IEP meeting to develop an IEP and determine placement and must provide special education and related services.
 - The provisions apply the date of the eligibility determination.

Expedited Due Process Hearing

An expedited due process hearing must be held if a hearing is requested because:

- In a dispute over a disciplinary action for a child with a disability, the child's parent disagrees with a determination that the child's behavior was not a

manifestation of the child's disability or with any decision regarding the child's educational placement; or

- The school district believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Expedited due process hearings must meet the requirements; except that:

- Unless the parents and school district agree in writing to waive the resolution meeting or agree to use the mediation process:
 - A resolution meeting must occur within 7 days of receiving notice of the due process hearing request; and
 - The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request.
 - The expedited hearing must occur within 20 school days of the day that hearing is requested and must result in a written decision within 10 school days after the hearing.

Termination of Special Education Services

The following are examples of reasons for terminating special education services. All terminations require the **Prior Notice of Special Education Action form**.

Ineligibility at Initial Evaluation

Student does not meet minimum criteria for services (testing is completed, eligibility team meeting held, statement of Eligibility, with all required attachment, is completed with appropriate signatures noting ineligibility).

Ineligibility by Re-Evaluation

- Results of re-evaluation for learning disability (intellectual and/or achievement) indicate that the student no longer requires services.

- Behavior evaluation, over a minimum of a six-month period of time, indicates that behaviors are within normal limits.
- Medical documentation indicates that the health impairments that qualified the student for services no longer exist.
- Student has met goals. A re-evaluation must be completed. The re-evaluation may or may not include formal assessments. If a formal assessment is conducted, the parent must be given the opportunity to sign the consent form. A parent's signature is required when giving a cognitive test. If the determination is based on existing data, it is not necessary to get the consent for the re-evaluation. Upon completion of the re-evaluation, an IEP meeting is scheduled to discuss the termination of services. At the meeting, options are discussed.
- The **Prior Notice of Special Education Action form** proposing the termination of services may be completed at this meeting or prepared ahead of the meeting and sent with the **Notice of Team Meeting** to parents.

Revocation of Consent for Special Education Services-Initial Placement

- Students can be terminated from special education at any time based solely on a parent request.
- If such a request is made, the IEP case manager should contact the parent to see if issues/concerns can be resolved.
- If the parent continues refusing services (evaluation / IEP / placement) they must request a revocation of special education services in writing.
- The case manager must contact the special education director and send out the **Prior Notice of Special Education Action form** informing the parents of change in services.

Termination by Graduation or Aging Out

High school graduation is a change of placement requiring the [Prior Notice of Special Education Action form](#). It is not necessary to conduct a re-evaluation when the student is graduating with a regular diploma. Students who receive a regular high school diploma will no longer be eligible for a free appropriate public education upon graduation.

Students who reach their 21st birthday during a school year should be terminated from services at the close of that school year. Notice of re-evaluation must be

sent to parents no later than Spring Break. The evaluation should focus on functional living skills in most cases. With most students who remain in the school system until age 21, it is recommended that a final IEP meeting be held before the close of the school year. Participants must include adult agencies that will be responsible for further services. Complete the [Prior Notice of Special Education Action form](#).

Student Moves Out of District

Use the [Prior Notice of Special Education Action form](#) to notify that a special education file should be closed because the student has moved out of the district.

On the form, note that the student has moved and whether he / she continues to qualify for special education. This form should be completed and sent to the special education office secretary no later than 10 days after the child's last day in the district.

Student Dropped from Enrollment Due to Attendance

When a student is dropped from enrollment because of non-attendance use the [Prior Notice of Special Education Action form](#) to notify the parent that special education services will not be provided until the student re enrolls in the school district. The student may enroll in school at anytime. If this occurs, an IEP meeting will be held to discuss the level of services to be provided.

Student Graduated with a Modified Diploma or Alternative Certificate and has Chosen Not to Return to School

Use the [Prior Notice of Special Education Action form](#). The student may enroll in school at any time. If this occurs, an IEP meeting will be held to discuss the level of services to be provided.

Student Enrolled in a Private School and Refusing Services

Use the [Prior Notice of Special Education Action form](#).

The district will need to send a FAPE and stands ready to provide special education services letter.

Student Registered for Home School and Refusing Services.

Use the **Prior Notice of Special Education Action form**.

The district will need to send a FAPE and stands ready to provide special education services letter.

Home School Special Education Services

Parent Withdrawal to Home School

When a parent withdraws their child from a public school and enroll in homeschool you must:

- Call an IEP meeting to do a change of placement.
- You may hold this meeting without the parents if they do not wish to participate.
- Offer the parents IEP services.
- The parents have three options
 1. Accept the IEP Services - they must accept the IEP services in their entirety and services will be provided at the public school during school hours.
 2. Refuse IEP Services - the IEP case manager must complete the [Prior Notice of Special Education Action form](#) and send it to the special education district office with meeting minutes.
 - a. The district will send the paperwork with a FAPE letter.
 - b. FAPE letter will need to be sent annually until the three-year evaluation is due.
 3. Parents may revoke consent for initial placement into special education in writing. Complete the [Prior Notice of Special Education Action form](#) and send it to the special education district office.

Initial Eligibility for a Home School Student

The following procedures will need to be completed, as with any referral:

- **Child Find**- the district is responsible for the identification and evaluation of any student within its jurisdiction. The parent may refer a homeschool student to determine eligibility for special education services or previously served student may already be identified.
- **Notice of Team Meeting**-Invite parent as the teacher rep. to an evaluation planning meeting and determine if an evaluation will be done. Include a regular education teacher if the student may participate in any part of the district's regular education program.
- **Evaluation**-Must be evaluated in all areas of suspected disability.
- **Eligibility**-After eligibility has been established, offer the parents an IEP. Have the draft at the meeting.

- **The Parents have two options:**
 1. Accept the IEP services- they must accept the IEP services in their entirety and services will be provided at the public school during school hours.
 2. Refuse IEP Services - If the parents do not want services you must:
 - Have the parents sign the **Prior Notice of Consent for Initial Provision of Special Education Services** form declining consent.
 - Complete the [Prior Notice of Special Education Action form](#) indicating the parent has declined services and offering a re-evaluation should the parent request services in the future.
 - No further follow-up is needed.

Home School Three Year Reevaluation

Review annually within IEP timelines. These must be completed whether the parents participate or not.

- The student may be made ineligible due to lack of data and information if the parents refuse to present the child for testing or they do not sign consent that requires parental permission.
- if this occurs, find the student ineligible and complete the [Prior Notice of Special Education Action form](#) Indicating the district stands ready to do a more complete evaluation should the parents change their mind.
- If parents no longer want the IEP and the student continues to “qualify”, the case manager must complete the [Prior Notice of Special Education Action form](#) and send it to the special education district office with meeting minutes.
 - The district will send the paperwork with a FAPE letter.
 - FAPE letter will need to be sent annually until the three-year evaluation is due.
- Parents may also revoke consent for initial placement into special education in writing. Complete the [Prior Notice of Special Education Action form](#) and send it to the special education district office.

Annual Reviews- Home School IEP

Review annually within IEP timelines.

- If the parents no longer want an IEP, the case manager must complete the [Prior Notice of Special Education Action form](#) And send it to the district office with meeting minutes.
- Parents may also request, in writing, that their child be removed from special education all together. Complete the [Prior Notice of Special Education Action form](#) and send it to the special education district office.

Progress Monitoring-The IEP shall state how satisfactory educational progress will be determined for the student.

Service Delivery Placement-Services cannot be provided at home, unless they would have been provided in the home due to a medical condition. Services must be provided at school or at a neutral site.

Transportation-Could be allowed to ride school bus to and from public school on a regular route if coming to public school for services. Otherwise, parents provide transportation.

Procedural Safeguards

Confidentiality

Students with disabilities are protected by special education law and by Family Educational Rights to Privacy Act (FERPA). Staff must respect these rights by maintaining confidentiality. Discussions of programs and behaviors should be restricted to settings where only persons with the need-to-know are present. Discussions in the hallways, in the teachers room, and particularly in the community should not occur. Only the parent, guardian or surrogate parent has the right to knowledge about the child's performance in school.

Parents Rights for Special Education

Procedural Safeguards "Parents Rights for Special Education" are made available to parents:

- Upon initial consent for evaluation
- When students move into the district with established IDEA eligibility but without documented evidence in their file that procedural safeguards were made available to the parents at the time of initial referral.
- Annually at the student's IEP meeting.
- A year before the child's 18th birthday (relating to Transfer of Rights).
- Upon filing of a complaint or initiation of a due process.

Expanded Definition of Parent

One or more of the following persons:

- A biological or adoptive parent of a child;
- A foster parent of the child;
- A legal guardian, other than a state agency;

- An individual acting in the place of a biological or adoptive parents (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the child's welfare; or
- A surrogate parent who has been appointed by the district.

Surrogate Parent

The district must appoint a surrogate parent to ensure that the rights of the child are protected:

- When no parent can be identified or located after reasonable efforts;
- Whenever the child is a ward of the state;
- The child is an unaccompanied homeless youth (as identified in Mckinney-Vento Homeless Assistance Act); and
- There is reasonable cause to believe that the child may be disabled.

Process for Appointing a Surrogate Parent

1. Check the criteria above to see if this is an appropriate case for the appointment of a surrogate parent.
2. Contact the district special education director.
3. The district special education director will appoint a surrogate parent, complete all necessary forms, training and send out a letter to the school and all parties involved with the child informing of the person appointed.

Rights of a Surrogate Parent

An appointed surrogate parent has all of the special education rights and procedural safeguards available to the parents.

Parent Participation-General

The school district must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a free appropriate public education to the child.

Meeting Notice

The district must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must be provided using the **Notice of Team Meeting**:

- State the purpose, time, and place of the meeting and who will attend;
- Inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child.
- Inform the parent that the team may proceed with the meeting even if the parent is not in attendance; and

- Inform the parent of whom to contact before the meeting to provide information if they are unable to attend.

The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

Exclusions to Meeting Notice

A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed in a later meeting.

Parent Non-Attendance at Meetings

If a parent is unable to attend a meeting for eligibility, IEP or other necessary meeting, make every effort to ensure their participation through email, telephone, or written response. Document attempts to arrange a mutually agreed-upon time and place with the parent.

Sufficient attempt is defined as:

- Written notice was provided sufficiently in advance to ensure an opportunity for the parent to attend;
- Communicating directly with the parent and arranging a mutually agreeable time and place;
- Sending written notice and stating in the notice that the parent may request a different time and place, and confirming that the parent received the notice.

Documentation of attempt should be recorded in OrSpEd. Keep documentation of direct communication with a parent in each student's educational record (e.g., detailed records of phone calls made or attempted and results of these calls; copies of correspondence sent to the parents and any responses received, and written notice or confirmation).

Conducting a Meeting without a Parent in Attendance

A meeting may be conducted without a parent in attendance, if the school district has given the parent notice.

Transfer of Rights

The right to parent participation transfers to an adult student on their 18th birthday. After the transfer of rights to an adult student, the school district must provide written notice of

the meeting to both the adult student and parent, if the parent can be reasonably located.

Note: A parent receiving notice of a meeting under this subsection is not entitled to attend the meeting unless invited by the adult student or by the school district.

Prior Written Notice

Prior written notice must be given:

- To the parent of a child, and to the adult student after rights have transferred, within a reasonable period of time before a school district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.
- After a decision is made and in a reasonable time before that decision is implemented.

The content of the prior written notice must include:

- A description of the action proposed or refused by the school district;
- An explanation of why the district proposes or refuses to take the action;
- A description of any other options that the IEP team considered and reasons why those options were rejected;
- A description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action;
- A description of any other factors that are relevant to the school district's proposal or refusal; and
- Sources for parents to contact to obtain assistance in understanding their procedural safeguards.

The prior notice must be:

- Written in language understandable to the general public;
- Provided in the native language of the parents or other mode of communication used by the parent, unless it is clearly not feasible to do so.

If the proposed action requires prior written notice and written consent, the district may give notice at the same time it requests consent.

Required Consent

Authorization to Use and/or Disclose Educational and Protected Health Information

Prior to exchanging confidential information with other agencies or individuals concerning the student you must obtain consent from the parent or adult student. Consent form must identify the records that are to be released, and to whom.

Prior Notice About Evaluation/Consent for Evaluation

The consent for evaluation form must list the specific evaluation procedures, assessments, or test the team plans to use.

Consent must be given for all of the following:

- Before an initial evaluation;
- Before a re-evaluation;
- Before conducting intelligence or personality tests;
- Before evaluation of students transferring from out of state, when previously established eligibility does not meet Oregon criteria;
- When an IEP team decides not to conduct an evaluation

Prior Notice for Initial Provision of Special Education

Consent for initial provision of special education must be obtained prior to the provision of services using the **Prior Notice for Initial Provision of Special Education Services form**.

Must be given for all of the following:

- When an eligibility team initially determines the child is eligible;
- Before initial placement;
- When a new eligibility is established during ECSE.

Consent is not required for:

- Placement annually or upon completion of a triennial re-evaluation;
- Assessments used to determine present levels of performance for an IEP annual review meeting;
- Re-evaluation, when all attempts to secure parental consent have been unsuccessful;
- An IEP (parent signature does not indicate consent but only participation in the development of the IEP);
- Authorized district staff or ODE staff to review special education records (a record must be maintained of those persons having access to confidential information).

Written Agreements

The **Written Agreements Between Parents and the District form** requires a parent signature and is used to document written agreements between the parents and the district and to document that the staff have explained that the agreement is voluntary. This form is used to document the following agreements:

- The district will not conduct a 3-year re-evaluation
- That specific members of the IEP team are not required to attend an IEP meeting, in whole or in part, if the team member submits their input in writing prior to the meeting or when the member's area of curriculum or related services is not being modified or discussed at the meeting;
- That an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings;
- For students who move into the district in the middle of an evaluation, to document agreement on a time for completion of the evaluation.

Written Notice

[Prior Notice of Special Education Action](#) form is used to notify parents before the district takes any action with regard to a student's identification, placement, IEP, or provision of FAPE. The form is required in the following situations.

- Before the team initiates a change in the IEP, that would be considered a change in the provision of FAPE to a student (e.g., adds a new service, discontinues a service, or makes another significant change) Or refuses to make such a change requested by the parent.
- Before team determines a new eligibility, changes eligibility categories or refuses an eligibility category requested by the parent (requires a re-evaluation);
- If the team refuses an evaluation or re-evaluation requested by the parent.
- If the team determines changes in placement, or refuses a placement requested by the parent.
- Before suspension of more than 10 days during the school year;
- Before expulsion; and
- Before termination of eligibility and / or services (graduation, completed school year in which to turn 21; reevaluation indicates ineligibility or no further need for services; parental revocation of consent for special education services.)

If it anytime the parent disagrees with the change or refusal of change, the case manager must contact the district special education director for assistance in informal resolution or due process steps. No change in placement can be made during the informal or formal resolution process without consent of the parents.

If the parent requests a change of placement in-district, the district special education director should be invited to an IEP meeting to discuss this change. If the parent requests a change of placement to an out-of-district school or facility the special education director must be notified immediately.

Notice of Team Meeting

The Notice of Team Meeting must be used for the following:

- To provide prior notice and to notify the parents of any meeting regarding the identification, evaluation, placement and / or provision of a free appropriate public education to their child.
- To invite the parent to any meeting regarding the identification, evaluation, placement and / or provision of a free appropriate public education to their child.
- To invite the student, if the student is 16 or older and the purpose of the meeting is to consider the IEP and transition services.
- Document attempts to involve the parents.

Notice of Transfer of Special Education Rights

Procedural Safeguard rights associated with IDEA transfer to the student at the age of majority. In Oregon, the age of majority is 18, or when the student gets married or becomes legally emancipated. The IEP team must plan ahead and assist the student and the parent in understanding and preparing for the transfer of rights that will occur.

There are two points in time associated with the transfer of rights. The first occurs at least one year before the student reaches the age of majority and is an IEP content requirement. The second occurs when the student reaches the age of majority and is a procedural safeguard requirement.

At least one year before the student turns 18: On the IEP form, the IEP team documents that the discussion with the student and parent(s) regarding the transfer of rights has occurred.

When the student reaches the age of majority: The district must provide written notice of the transfer to the students and the parents. The **Notice of Transfer of Special Education Rights Form** must be provided at the time the student reaches the age of majority, which may or may not be at the time of the annual review.

Translation Services

Interpreter

An interpreter is an individual who facilitates communication between speakers who do not speak the same language. They assist in parent / school meetings and translate test materials during the assessment process. The Interpreter conveys information verbally from one language to another guided by the knowledge and familiarity of the appropriate methods of expression.

Translator

While an interpreter is used for oral communication,

Requests for Interpreter/Translator

If you need an interpreter for a meeting or information translated please request support at least two weeks prior to the meeting / deadline. You can request these services through the district special education secretary (503) 429-1333.

Independent Educational Evaluation

A parent of a child with a disability or suspected disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

- Contact the district special education director if a parent requests:
 - an independent educational evaluation at public expense, or
 - payment for an independent educational evaluation that has already been completed.

Confidential Special Education Student Records

The school district shall keep confidential any record maintained on a child with a disability. Confidential special education student records are maintained in the district special education office for all active and closed special education cases. The original copies of all special education forms are to be sent to the special education office for inclusion in the students file. Working files are maintained at the building level in a secure location.

All required special education records must include:

- Referral;
- Prior notice and consent to evaluation;
- Evaluation reports;
- Eligibility Statements;
- Notices of IEP meetings;
- IEP's;
- Prior Notice of Consent for Initial Provision of Special Education Services;
- Annual Placement;
- Prior Notices of Special Education Action;
- Progress reports

The record may also include:

- Medical Statements;

- Reports from Regional Programs;
- Early Intervention and Early Childhood Special Education Records;
- Records from other school districts.

Availability of IEP's to Regular Education Teachers and other Providers

Each student's IEP must be accessible to each regular education teacher, related services provider, or other service provider who is responsible for implementation. Each regular educator or service provider must also be informed of his / her specific responsibilities related to implementing the student's IEP and specific accommodations, modifications, and supports that must be provided.

Regular education teachers need to be aware of a student's disability in regard to ways the disability will affect performance in their classroom. The classroom teacher needs to know what specific accommodations and modifications are needed in order for the student to be most successful. For example, if a student reads far below grade level, the classroom teacher may need to provide an alternative way for the student to receive written information. Another example would be if a student needs specific help with organizational skills, the classroom teacher may assign the student a specific place to keep assignments and / or writing utensils so those items do not leave the classroom and become lost.

Information may be shared with the classroom teacher in a variety of ways. The classroom teacher seldom needs a complete copy of the IEP- Goal pages, the Present Level of Performance page, and the pages including any necessary accommodations and modifications would be appropriate to share with a classroom teacher. Some special education teachers type up summary paragraphs giving the above stated information in the less formal way to classroom teachers.

At times, it is important to share specific information about a student with staff other than teachers. Instructional assistants working with a student, bus drivers, cafeteria workers, administrators are just a few examples of staff that may need information about a particular student. **In all sharing of information regarding a particular student, confidentiality must be remembered. Share only information pertinent to the student's educational needs and only with staff who directly instruct our work with the student.**

Disclosure/Transfer of Special Education Records

All requests for copies of confidential Student Records should be forwarded to the district special education office. Upon receipt of a Request for Records Transfer or Release of Information from the school district in which a child has enrolled, the special education secretary will copy and then forward the original records within 10 days. The copy is maintained by the school district. When releasing information to other agencies, the parents must sign Permission to Obtain Release the Information form. Copies are made and the original is maintained at the district special education office. Parents may have copies of special education records upon request and without undue delay. The district will disclose information, without consent, to the receiving school when the student has moved, upon court order, and to appropriate state and federal monitoring teams.

School district and ESD employees having access to student records must have a legitimate educational concern. The school district will keep a record of all persons having access, the date of the access, and the reasons for the access except for those named on a notice and posted on the exterior of the special education file repository. The record of access must be maintained in a separate location from the confidential student file.

Records Destruction

Special education records will be destroyed when a student has been out of special education for a minimum of five years and is beyond the age of eligibility for IDEA services (21 years of age).

A parent or adult former student may claim records before the destruction.

The special education director or designee will ensure that records are destroyed by incineration or shredding.

Destruction of Test Protocols

After completion of the assessment, detailed written reports and the eligibility determination meeting the teacher specialist, district designee, or special education psychologist will destroy test protocols by incineration or shredding all test protocols.

Special Education Forms

Whenever applicable the special education staff is expected to use the current electronic management computer program for special education forms.

Contact Log

It is important that each specialist maintain a contact sheet for each student's file. Documentation of parent contacts or attempted contacts, contacts, etc. should be made in the contact log or you may use the meeting notices in OrSped.

Caseload Lists

Each month the special education secretary will prepare and distribute a caseload list to each specialist. The list include the name of each child currently receiving Special Services, the IEP annual review day, and the triennial re-evaluation dates. Each specialist must review the list for any discrepancies and contact the district office to clarify these discrepancies.

Working Files

Each specialist shall maintain a working file for students on his / her caseload. This working file shall be maintained in a secure location. All rules of records disclosure apply to the working file.

PUBLIC NOTICE

Notice is hereby given that the Vernonia school district will destroy all special education records, which are no longer needed by the district to provide Education Services. Records will be destroyed for students who are 21 years of age or older and who last receive special education services prior to the ##### school year.

Please note that this does not include the student's permanent record, which must be maintained indefinitely by local school districts (OAR 581-22-717).

Previous special education students, for the purpose of claiming Social Security or other benefits, may need access to their special education records. If you wish to obtain the special education records maintained above, please contact the Vernonia School District at (503) 429-1333.

***Crook County School District Special Education Manual used to complete this document.

Appendix

Oregon Standard INDIVIDUALIZED EDUCATION PROGRAM

DEMOGRAPHICS

Student _____	Resident District _____	IEP Meeting Date _____
Gender: ___ M ___ F Grade: _____	Attending District _____	Annual IEP Review Date _____
Date of Birth (mm/dd/yy) _____	Attending School _____	Amendment Date _____
Secure Student Identifier (SSID) _____	Case Manager _____	Most Recent (re)Evaluation Date _____
Primary Disability Code & Category _____	Secondary Disability Code & Category – OPTIONAL	Re-Evaluation Due Date _____

MEETING PARTICIPANTS

Student	_____	Parent/Guardian/Surrogate	Parent/Guardian/Surrogate
Special Education Teacher / Provider	_____	Special Education Teacher / Provider	District Representative
General Education Teacher	_____	General Education Teacher	Individual Interpreting Instructional Implications of Evaluations
Agency Representative, if appropriate	_____	Other	Other
Other	_____	Other	Other

NOTE: If required team member participates through written input or is excused from all or part of the IEP meeting, attach documentation of parent's and district's agreement to participate by written input or excuse.

A district provided interpreter was used for this meeting: YES NO Name _____

PROCEDURAL SAFEGUARD NOTIFICATION 34 CFR 300.504(a)

<p>Parent was provided the special education procedural safeguards in his/her native language or other mode of communication</p> <p>YES ___ NO ___</p> <p>If student is of transition age, he/she was provided the special education procedural safeguards in his/her native language or other mode of communication</p> <p>YES ___ NO ___ N/A ___</p>
--

(*) To note required team members?

SPECIAL FACTORS

In developing each student's IEP, the IEP team must consider (34 CFR 300.324):

<p>A. Does the student exhibit behavior that impedes his/her learning or the learning of others? 34 CFR 300.324(a)(2)(i)</p>	
<p>___ YES</p>	<p>___ NO</p>
<p><i>If YES, the IEP addresses the use of positive behavioral interventions and supports, and other strategies, to address that behavior(s).</i></p>	
<p>B. Does the student have limited English Proficiency? 34 CFR 300.324(a)(2)(ii)</p>	
<p>___ YES</p>	<p>___ NO</p>
<p>Level _____</p>	
<p><i>If YES, the IEP team must consider the language needs of the student as those needs relate to the student's IEP.</i></p>	
<p>C. Is the student blind or visual impaired? 34 CFR 300.324(a)(2)(iii)</p>	
<p>___ YES</p>	<p>___ NO</p>
<p><i>If YES, Braille needs are addressed in the IEP, or an evaluation of reading/writing needs is completed and a determination is made that Braille is not appropriate.</i></p>	
<p>D. Does the student have communication needs? 34 CFR 300.324(a)(2)(iv)</p>	
<p>___ YES</p>	<p>___ NO</p>
<p><i>If YES, the IEP addresses communication supports, services, and/or instruction.</i></p>	
<p>E. Is the student deaf or hard of hearing? 34 CFR 300.324(a)(2)(iv)</p>	

<p>_____ YES</p>	<p>_____ NO</p>
<p><i>If YES, the IEP addresses the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.</i></p>	
<p><small>34 CFR 300.324(a)(2)(v)</small></p>	
<p>_____ YES</p>	<p>_____ NO</p>
<p><i>If YES, the IEP addresses assistive technology devices or services.</i></p>	
<p>G. Does the student require one or more specialized formats (braille, large print, audio, and/or digital text) of educational materials because blindness or other disability prevents effective use of standard print materials?</p>	
<p><small>34 CFR 300.210(b)(3); 300.172(b)(4)</small></p>	
<p>_____ YES</p>	<p>_____ NO</p>
<p><i>If YES, alternate format(s) is/are identified in the IEP.</i></p>	
<p>PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE</p>	
<p>In developing each student's IEP, the IEP team must consider (34CFR 300.324):</p>	
<p>Student's overall strengths, interests, and preferences: <small>34 CFR 300.324 (a)(1)(i)</small></p>	
<p>Input from parent(s) in the areas of academic achievement and functional performance, including concerns for enhancing the education of their child:</p>	
<p><small>34 CFR 300.324(a)(1)(ii)</small></p>	
<p>Present level of academic achievement (i.e. reading, writing, mathematics, etc), including most recent performance on State or district-wide assessments:</p> <ul style="list-style-type: none"> ● Strengths of the student ● Needs of the student ● How the student's disability affects involvement and progress in the general education curriculum 	
<p><small>34 CFR 300.320(a)(1); 300.324(a)(iii)</small></p>	
<p>Narrative and supporting data:</p>	

Present level of functional performance (not limited to, but may include communication, social skills, behavior, organization, fine/gross motor skills, self-care, self-direction, etc), including the results of initial or most recent formal or informal assessments/observations: <ul style="list-style-type: none">● Strengths of the student● Needs of the student● How the student's disability affects involvement and progress in the general education curriculum	34 CFR 300.320(a)(1)
Narrative and supporting data:	

TRANSITION PLANNING

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include: 34 CFR 300.320(b)

Results of age-appropriate transition assessments, including student's preferences, interests, needs and strengths (PINS)	34 CFR 300.320(b)(1); 34 CFR 300.43(a)(2)

Appropriate, measurable post-secondary goals based upon age-appropriate transition assessments
 300.320(b)(1) 34 CFR

Training
Education
Employment
Independent living skills (where appropriate)
Transition Services/Activities: Transition Services include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. <small>34 CFR 300.43</small>
Course of Study: (designed to assist the student in reaching the post-secondary goals)
<small>34 CFR 300.320(b)(2)</small>

Agency Participation: To the extent appropriate, with consent of the parents or adult student, the school district must invite a representative of any participating agency likely to be responsible for providing or paying for transition services. 34 CFR 300.321(b)(3)

Transfer of Rights

34 CFR 300.320(c), 300.520

The student and parent were informed of his/her rights under Part B of IDEA that will transfer to the student at the age of majority:

- YES
- Date student was informed: _____
- Date anticipated transfer will occur: _____

The district must also provide written notice of the transfer of rights to the student and the parent when the student reaches the age of majority.

Graduation

34 CFR 300.102(a)(3)(i)-(iii)

Anticipated Graduation Date: _____

- With Regular Diploma
- With Modified Diploma
- With Extended Diploma
- With Alternative Certificate

STATEWIDE ASSESSMENT 34 CFR 300.320(a)(6)

Will the student participate in any Statewide Assessments during this IEP period?

- No, Statewide Assessment not conducted at student's grade level (at time of testing)
- Yes (student's grade level at time of testing _____). *If yes, describe participation decisions below:*

Standard Assessment or Alternate Assessment (select one)	Accessibility Supports (includes all accommodations, designated supports, and/or universal tools the team identifies as necessary for statewide assessments)	Modified Cut Scores (Only available for standard assessment with or without accommodations)	*Explanation State why student cannot participate in standard assessment and why particular alternate assessment selected is appropriate for student.
<input type="checkbox"/> Standard: English Language Arts / Literacy <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate: Extended Assessment*			
<input type="checkbox"/> Standard: Mathematics <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate: Extended Assessment*			
<input type="checkbox"/> Standard: Science <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate: Extended Assessment*			
<input type="checkbox"/> Standard: Social Sciences <input type="checkbox"/> Standard without accessibility supports <input type="checkbox"/> Standard with accessibility supports			

<p align="center">Standard Assessment</p>	<p align="center">Accessibility Supports (includes all accommodations, designated supports, and/or universal tools the team identifies as necessary for statewide assessments)</p>	<p align="center">Exemption Decisions (identify appropriate domains)</p> <p>Up to a maximum of three domains may be exempted, but only in very rare and documented circumstances. All exemptions must be reviewed and documented in the student's IEP or 504 plan prior to the student beginning ELPA21. All cases of domain exemptions on ELPA21 are subject to monitoring by ODE.</p>	<p align="center">*Explanation Statement why student cannot participate in select domains</p>
<p><input type="checkbox"/> English Language Proficiency Assessment (ELPA)</p> <p><input type="checkbox"/> Without accessibility supports</p> <p><input type="checkbox"/> With accessibility supports</p>		<p><input type="checkbox"/> *Listening</p> <p><input type="checkbox"/> *Reading</p> <p><input type="checkbox"/> *Writing</p> <p><input type="checkbox"/> *Speaking</p>	

<p align="center">Standard Assessment</p> <p><input type="checkbox"/> Kindergarten Assessment (KA)</p> <p><input type="checkbox"/> Without accessibility supports</p> <p><input type="checkbox"/> With accessibility supports</p>	<p align="center">Accessibility Supports</p> <p>(includes all accommodations, designated supports, and/or universal tools the team identifies as necessary for statewide assessments)</p>
--	--

DISTRICT-WIDE ASSESSMENT

District-wide Assessment

Will the student participate in any District-wide assessment during this IEP period?

- No, District-wide Assessment not conducted at student's grade level (at time of testing)
- Yes, student's grade level at time of testing _____. If yes, describe participation decisions below:

Standard Assessment or Alternate Assessment (select one)	Accessibility Supports (includes all accommodations, designated supports, and/or universal tools the team identifies as necessary for statewide assessments)	* Explanation: State why student cannot participate in standard assessment and why particular alternate assessment selected is appropriate for student.
<input type="checkbox"/> Standard District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports		
<input type="checkbox"/> Standard District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports		
<input type="checkbox"/> Standard District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports <input type="checkbox"/> Alternate District Assessment: _____ <input type="checkbox"/> Without accessibility supports <input type="checkbox"/> With accessibility supports		

ANNUAL ACADEMIC AND FUNCTIONAL GOALS AND OBJECTIVES

Goal Area:
Annual Measurable Goal (including conditions and frequency):

34 CFR 300.320(a)(2)(i)

Objectives (if needed):
Related Content Standard(s), if applicable:
How progress will be measured:
How progress will be reported, including frequency: 34 CFR 300.320(a)(3)(i)
Progress Towards Goal
Date of Progress: ___/___/___ Narrative and supporting data:
Date of Progress: ___/___/___ Narrative and supporting data:
Date of Progress: ___/___/___ Narrative and supporting data:

SERVICES

The IEP team must identify and provide appropriate services to enable the student:

- To advance appropriately towards attaining the annual goals 34 CFR 300.320(a)(4)(i)
- To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities 34 CFR 300.320(a)(4)(ii)

- To be educated and participate with other children with disabilities and nondisabled children in extracurricular and other nonacademic activities 34 CFR 300.320(a)(4)(iii) & 300.107

Specially Designed Instruction 34 CFR 300.39	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

Related Services 34 CFR 300.34	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

Supplementary Aids/Services; Accommodations 34 CFR 300.320(a)(4)(i)-(iii)	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

Supplementary Aids/Services; Modifications <i>34 CFR 300.320(a)(4)(i)-(iii)</i>	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

Program Modifications/ Supports for School Personnel <i>34 CFR 300.320(a)(4)(i)-(iii)</i>	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

NONPARTICIPATION JUSTIFICATION *34 CFR 300.320(a)(5)*

Describe the extent (including amount), if any, to which the child will not participate with nondisabled children in the regular classroom and in extracurricular and other nonacademic activities:
Provide explanation justifying the removal, if any:

EXTENDED SCHOOL YEAR (ESY) SERVICES 34 CFR 300.106; OAR 581-015-2065

Criteria/Inquiry:

Does the student experience regression on his/her IEP goals and objectives?

- Yes No More information needed

Explanation:

Does the student experience a prolonged recoupment period of time to relearn previously learned skills?

- Yes No More information needed

Explanation:

Other factors considered by the team:

Decision:

Does the student require ESY services?

- Yes (described below, including goals to be addressed) No To be determined by _____

Specially Designed Instruction 34 CFR 300.39	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

Related Services 34 CFR 300.34	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider	Role Responsible for Monitoring

VERNONIA SD 47J

PRIOR NOTICE OF SPECIAL EDUCATION ACTION

DATE: _____
MM/DD/YY

Dear: _____ , This notice informs you of the following action:

which is a ___ proposal or ___ refusal to ___ initiate or ___ change

the following aspect of _____ 's special education:

- ___ Identification
- ___ Placement (other than initial placement)
- ___ Provision of a free, appropriate public education (includes IEP)

This action is proposed because:

This action is based on the following evaluation procedures, tests, records or reports:

Other options we considered were:

We rejected these options because:

Any other factors considered by the team:

Sincerely,

Name/Title _____

Phone _____

Parents of a child with a disability have protection under procedural safeguards. For a copy of the Procedural Safeguards or for assistance in understanding this information you may contact:

_____	_____	_____
Name	Title	Phone

Manifestation Determination

Date:

Student Name: Birth Date: Student ID #:

Attending School: Case Manager:

Team Members-The team must include a district representative, the parent and relevant members of the IEP team as determined by the district and parent.

- | | |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

Manifestation Review

1. Behavior subject to disciplinary action:

2. Current disability(ies) based on eligibility statements (or identified educational needs):

3. Consideration of all relevant student information, including:

<input type="checkbox"/> Evaluation and diagnostic results	<input type="checkbox"/> Relevant information provided by the parent
<input type="checkbox"/> Observations of the student	<input type="checkbox"/> Current IEP and placement
<input type="checkbox"/> All relevant information in the student's file	<input type="checkbox"/> Other

For each statement answer "Yes" or "No": Check the appropriate box

1. The conduct in question was the direct result of the district's failure to implement the student's IEP. Yes No

2. The conduct in question was caused by or had a direct and substantial relationship to the student's disability(ies). Yes No

Manifestation Determination

Yes-The conduct/behavior is a manifestation of the student's disability.

Check if at least one answer to the above questions is Yes.

No-The conduct/behavior is not a manifestation of the student's disability.

Check if both answers to the above questions are No.

District Staff Completing Form/Title

Telephone Number

3. REVISIONS TO IEP OTHER THAN AT ANNUAL IEP MEETING

___ The District and the Parent agree that an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings. Date IEP revised: _____.

- The IEP revision must be written on the student's IEP and dated. If new IEP pages are required, these pages must be stapled to the IEP, a complete copy filed with the student's education records, and a copy given to the parent upon request.
- The District must give the Parent *Prior Notice of Special Education Action* describing the IEP change.

 Parent Signature Date Authorized District Staff Signature Date

4. COMPLETION OF EVALUATION OF TRANSFER STUDENT

___ The 60 school day evaluation timeline for completing evaluations does not apply if:

- A school district initiates an evaluation or re-evaluation of the student and the student moves to another school district before the evaluation or re-evaluation has been completed;
- The new district is promptly seeking information from the previous district and promptly completing the evaluation; and
- The new district and the Parent agree that the evaluation will be completed by a specific date.

The District and the Parent agree that the evaluation will be completed by___ (mm/dd/yy)

 Parent Signature Date Authorized District Staff Signature Date

5. COMPLETION OF EVALUATION (Specific Learning Disability)

___ The student is being evaluated for eligibility in the area of specific learning disabilities. The parent and other members of the eligibility team agree that more time is needed to complete the evaluation. The evaluation will be completed by_____. (mm/dd/yy)

 Parent Signature Date Authorized District Staff Signature Date