

Harney County School District #3
190 Hines Blvd
Burns, Oregon 97720

Special Education Manual



Mission Statement:

Prepare contributing members of society while honoring
Harney County's traditions and diverse cultures.

Table of Contents

Section 1- Mission, Vision, Special Education, FERPA.....	3-6
Section 2- Child Find.....	6
Section 3 - Free an appropriate public Education (FAPE).....	7
Section 4- Evaluation and Eligibility.....	8-11
Section 5- Individualized Education Program (IEP).....	11-19
Section 6 – Least Restrictive Environment/ Placement/Discipline.....	19-22
Section 7 – Restraint and Seclusion.....	23
Section 8 – Procedural Safeguards.....	24
Section 9 - Written Agreements.....	24-25
Section 10- Prior Written Notice.....	25
Section 11: Attendance and Withdrawal.....	25-26
Section 12: Dismissal from Special Education Services.....	27
Section 13: Special Education Records/ Process.....	27
Section 14: ODE Compliance/District Compliance	28
Section 15: Special Education Process	28-30
Section 16: FERPA & HIPAA.....	31
Section 17: High Desert ESD (HDESD).....	32-33
Section 18: School Psychologist contract with Presence.....	33
Section 19: Special Education Case Management.....	33

Section 1

Harney County School District #3

Mission: Prepare contributing members of society while honoring Harney County's traditions and diverse cultures.

Vision: AVID empowers our district community to ensure students see success within themselves and graduate prepared for their career and college endeavors.

Values and Beliefs:

Meaningful Communication... that is constructive, transparent, and emphasizes shared decision-making.

A Connected Community... through inclusive participation, beneficial partnerships, and a diverse culture.

Prepared students... who become lifelong learners, develop their own unique potential, and are prepared for their future.

Safe Learning Environments... that maximize student achievement, build positive character traits, and respect the uniqueness of each individual.

Purpose:

The purpose of this manual is to create a resource for Special Education Teachers and Student Services staff when questions may arise throughout the school year. The manual is designed to allow staff to remain in compliance with District and ODE regulations while providing a high level of exceptional services to our students and families. The manual is designed to reflect the most current information that our district has regarding Special Education. With that said, district, state, and federal guidelines and expectations will often change throughout a given school. Special Education staff is expected to remain current on best practices and compliance expectations as part of their professional job requirements.

What is Special Education?

Under the Individuals with Disabilities Education Act (IDEA), special education is defined as "specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability". It includes tailored teaching methods, therapies, and accommodations to ensure equal access to education.

Special Education programs are written for school aged children within an Individualized Education Program (IEP): This is a written document that outlines the student's specific goals, accommodations, and the exact services the school will provide.

Free Appropriate Public Education (FAPE) is the guarantee that special education and related services are provided at public expense, under public supervision, and meet state educational standards.

Least Restrictive Environment (LRE) is the federal requirement that, to the maximum extent appropriate, children with disabilities are educated with their nondisabled peers.

Special education is not a specific classroom or a place. It is a flexible set of services that adapts the content, methodology, or delivery of instruction.

These may include:

Academic support: Instruction, accommodations and/or modifications of curriculum

Related services: Possible speech and language, occupational and physical therapy

Assistive technology: Devices or software to aid communication and learning

Transition services: Plans for students 16 years of age and older for life beyond school

Eligibility:

To qualify for special education, a child must have an identified disability that adversely affects their educational performance, making them need specialized instruction.

In special education, children are categorized with exceptionalities. A category is a label assigned to individuals who share common characteristics and features.

Under the Individuals with Disabilities Education Act (IDEA), there are 12 categories of disability:

Autism

Deaf-Blindness

Emotional Disability

Hearing Impairment

Intellectual Disability

Orthopedic Impairment

Other Health Impairment

Specific Learning Disability

Speech and Language Impairment

Traumatic Brain Injury

Visual Impairment

Developmental Delay

Person-First Language (PFL) is a respectful way of communicating that puts the person before their medical condition or diagnosis. In our daily interactions with families and colleagues, using PFL emphasizes that a disability is just one aspect of a student's life, not their defining characteristic. Example: “a child with autism” instead of “an autistic child”.

Overview of FERPA in Special Education

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. In special education, confidentiality requirements are intensified by the Individuals with Disabilities Education Act (IDEA). Together, these laws ensure that all student data—including evaluations, Individualized Education Programs (IEPs), and progress reports—remain strictly confidential.

Core Staff Responsibilities

- **Access Control:** Only school officials with a legitimate educational interest may view a student's special education records.

- **Written Consent:** You must obtain signed, dated written consent from parents or eligible students (aged 18 or older) before disclosing personally identifiable information (PII) to third parties.
- **Secure Storage:** Keep physical special education files in locked cabinets. Log out of digital IEP systems immediately after use.
- **Discretionary Communication:** Do not discuss students' disabilities, accommodations, or behavior in public areas like hallways, cafeterias, or the staff lounge.

Principles of IDEA

The Individuals with Disabilities Education Act (IDEA) framework relies on seven foundational pillars. These core principles mandate how public school districts must locate, evaluate, accommodate, and protect students with disabilities.

Informed Consent: Before any evaluation, formal testing, or initial special education placement can begin, the district must obtain explicit parental consent. All information regarding the proposed activity must be delivered to parents in their native language or primary mode of communication. The parent must understand and sign the consent forms, which clearly detail the specific actions or records to be released. Consent is strictly voluntary and may be revoked by the parent at any point.

Zero Reject: School systems are strictly prohibited from excluding any student from a public school education based on the severity of their disability. Local education agencies must provide services to all eligible individuals aged 3 through 21. Districts are legally responsible for proactively seeking out, identifying, and evaluating children who may have a disability within their jurisdiction, known as Child Find.

Free Appropriate Public Education (FAPE): Every eligible child with a disability has a legal right to an education designed around their unique learning profile. All specialized instruction, modifications, and therapeutic interventions must be provided at no cost to the family. The educational program must be designed to allow the student to make reasonable progress and prepare them for future education, employment, and independent living.

Nondiscriminatory Evaluation: Districts must use fair, unbiased testing methods to determine eligibility and define the student's exact educational needs. A student cannot be categorized or placed based on a single test score or assessment metric. All tests must be selected and administered so they are not racially or culturally discriminatory. Tests must measure the student's ability rather than their English language proficiency.

Least Restrictive Environment (LRE): To the maximum extent appropriate, students with disabilities must be educated alongside their nondisabled peers. Removal from the general classroom should only occur if the nature or severity of the disability prevents successful learning, even with the use of supplementary aids and services. Schools must maintain a continuum of options, ranging from general education classrooms with support to resource rooms and specialized day programs.

Individual Educational Program (IEP): The IEP serves as the binding legal blueprint for a student's special education services. It is authored by a multidisciplinary team including parents, general educators, special educators, and district administrators. It must include the student's current academic performance levels, measurable annual goals, a clear list of accommodations, and a detailed schedule of services.

Due Process Safeguards: The law builds in extensive procedural safeguards to ensure accountability and protect the civil rights of students and parents. Parents must receive comprehensive written notices (prior written notice) before the district proposes or refuses to change a student's identification, evaluation, or educational placement. If a disagreement occurs, parents have access to clear legal resolution mechanisms, which include formal state complaints, independent educational evaluations, professional mediation, and due process hearings.

Section 2

Child Find

Child Find is a legal requirement under the Individuals with Disabilities Education Act (IDEA). It mandates that all public school districts must locate, identify, and evaluate all children with suspected disabilities who reside within their jurisdiction. Child Find is an affirmative, continuous duty. The district cannot wait for a parent to request an evaluation; staff must act as soon as a disability is suspected. This mandate applies to all children within the district's boundaries. This includes children attending public schools, private schools, religious schools, highly mobile populations (such as migrant or homeless children), wards of the state, and homeschooled students. All screening and evaluation services conducted under Child Find must be provided to families completely free of charge.

Section 3

Free Appropriate Public Education (FAPE)

Referral Process: The referral process is the first step towards possible special education eligibility. The referral process assumes that general education/SST teams have done the following:

- Documented Culturally Responsive Interventions over time
- File Reviews
- Collected student academic and behavior data
- Informed parents of an SST referral

Once the SST team has collected the above data and determined a need for further information and possibly special education eligibility, a consultation with the school psychologist will occur. There will be two possible outcomes through collaboration between the school psychologist and the SIT team:

1. A referral for Special Education evaluation, or
2. A referral back to the SST team for additional intervention and data gathering.

Student Entrance: The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:

1. Who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
2. Who have not graduated with a regular diploma;
3. Who have been suspended or expelled in accordance with special education discipline provisions; or,
4. Who reach age 21 before the end of the school year.

These students remain eligible until the end of the school year in which they reach 21. The district determines residency in accordance with Oregon law. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma. The district provides a continuum of services to meet the individual special education needs of all resident children with disabilities. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.

If the district has the knowledge and/or suspects that a student is disabled prior to the disciplinary infraction, he/she is entitled to the same protections as a student on an IEP.

Section 4

Evaluation and Eligibility

Responsibility for Evaluation and Eligibility Determination: The district is responsible for evaluating and determining eligibility for special education for school- age students. Upon completion of the evaluation, the district provides the parent or eligible student a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. The district also provides documentation of the eligibility determination at no cost.

Initial Evaluation:

Parents may request an evaluation and referral for special education from time to time. When the special educator is made aware of this request, the following steps need to be implemented:

- Call the parent or guardian to set up a meeting to review and discuss parent concerns.
- Prior to the meeting, the special educator will gather the student's academic, attendance, and behavioral data.
- Required meeting participants are Parents, Special Education Case managers, and Administrators.

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

Evaluation Planning:

Upon receiving a request from a parent or public agency for an initial evaluation, the district convenes an evaluation planning meeting with a team to determine whether an initial evaluation will be conducted. The district documents team member's input, including the parents' input. If the district refuses an evaluation requested by the parent, the district will provide the parent with prior written notice of its refusal to conduct an evaluation, and acknowledges the parent's right to challenge its refusal to conduct an evaluation.

The district conducts the initial evaluation within 60 school days of receiving parental consent for an evaluation, unless the parent agrees in writing to extend the timeline for an evaluation, or if a child moves from another school district during the evaluation timeline, and the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent agrees to a specific timeline of when the evaluation will be completed.

Reevaluation: The district conducts reevaluations when the educational needs of the child warrants a reevaluation, when the child's parent or teacher requests a reevaluation, and/or at least every three years, unless the parent and district agrees that a reevaluation is not necessary.

Evaluation planning: At least 60 days prior to the three- year reevaluation due date, the IEP team, including parents, reviews existing information using the Re-Evaluation (Evaluation Planning) document. The team determines which testing, if any, is required to conduct the evaluation. If evaluations are necessary, a Consent for Evaluation must be signed by the parent. These documents are sent to the district office and then filed with the student's electronic file and then sent to the parents.

Evaluation procedures: The district assesses the child 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 service's needs, whether or not commonly linked to the disability category in which the child has been classified. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child that assist in determining whether the child has 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.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis, are administered in the child's native language, are used for the purposes for which the assessments are valid and reliable, are administered by trained personnel, and in accordance with the assessment protocol. The district does 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.

Evaluation: Specialists, most often including at least the Speech Language Pathologist and/or School Psychologist conduct assessments. School Psychologists will be responsible for cognitive and academic evaluations. Speech Pathologists are responsible for speech/language evaluations. Regional providers from High Desert ESD are responsible for their own related evaluations such as Occupational Therapy (OT), Physical Therapy (PT), Autism Spectrum Disorder (ASD), Vision and Hearing.

Eligibility (for both initial evaluations and reevaluations): The case manager collaborates with the IEP team to schedule the eligibility meeting within 50 days of consent. The case manager, in conjunction with the specialist, prepares the eligibility statement paperwork for all eligibilities other than speech language. The speech pathologist prepares the eligibility statement for speech language eligibility. If the student is eligible, and it is their initial IEP, an initial provision for special education consent must be signed by the parent. For any eligible student, the IEP will be created or updated. If teams determine that the student is no longer eligible for Special Education Services, the case manager will complete a Prior Written Notice informing parents of the decision.

The eligibility team must include: Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability, the student's parent, the child's regular classroom teacher, or if the child does not have a regular education teacher, a regular classroom teacher qualified to teach a child of their age, and a person interpreting the evaluation data. At times, one person may fill more than one role.

The eligibility team prepares a written eligibility statement that includes identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration, a determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule, a determination of whether the primary basis for the suspected disability is 1) a lack of appropriate instruction in reading (including the essential components of reading) or math; or Limited English proficiency, a determination of whether the child's disability has an adverse impact on the child's educational performance, and a determination of whether, as a result of the disability, the child needs special education services. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.

A child may have disabilities in more than one disability category, but the team needs to find the child eligible under only one category.

The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is a lack of appropriate instruction (attendance) in reading, including the essential components of reading instruction, or lack of appropriate instruction in math; or a Limited English Proficiency, and the child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.

The signature of every team member and an indication of whether each agrees with the eligibility determination (either if the child does or does not qualify).

All paperwork from the meeting will be completed and sent to the district office and then filed with the student's electronic file and then sent to the parents. The coding in the special education system must be updated. The director will ensure all coding of eligibility is documented appropriately.

The student's updated IEP must always be uploaded to the district's student information system (SIS) to ensure staff have access to the most current IEP for the student.

Section 5

Individual Education Program (IEP)

The district ensures that an IEP is in effect for each eligible student for whom the district is responsible for before special education is provided to a student and at the beginning of each school year. The district uses the Oregon Standard IEP form. Included in the form is the IEP snapshot, which is the document that the district ensures is accessible to the student's regular education teacher(s), special education teacher(s), related services provider(s), and other service providers, including classified staff, when necessary according to the student's program.

The district takes steps to ensure that parents are present at each IEP meeting and have the opportunity to participate, and provides a copy of the IEP to the parent at no cost. Parents must be notified of the meeting within a minimum of ten school days prior to the meeting. The district provides parents with a written notice, in the parent's native language, of the meeting sufficiently in advance to ensure one or both parents will have the opportunity to attend.

Required team members include a parent or adult student, special education provider, general education teacher, district representative, and an individual interpreting instructional implications of evaluations. For required team members to be excused, the parent must be notified and give consent prior to the meeting being held; if the parent does not give consent for the excusal of a team member, all required team members must be present. The district representative must meet the following requirements: be qualified to provide, or supervise the provision of, specially designed instruction, have knowledge about the general education curriculum, knowledgeable of district resources and be authorized to commit district resources and ensure that services set in the IEP will be provided. A team member may serve in multiple roles if necessary.

The general education teacher is a required member if the student is or may be participating in the general education environment; this decision is made on an individual basis and should not be generalized based on placement, eligibility category, age, or any other student characteristics; however, best practice is to always include the general education teacher in the IEP meeting to avoid predetermination.

When conducting IEP team meetings and placement meetings, the parent of a child with a disability and a school district may agree to use alternative means of meeting participation, such as video conferences or conference calls.

Procedural safeguards: The district must provide Procedural Safeguards to parents at least one time a school year, and a copy also must be given to the parents upon initial referral or parent request for evaluation, upon the receipt of the first State complaint and upon the receipt of the first due process complaint in a school year, in accordance with discipline procedures, upon request by a parent, and when rights transfer at age of majority, safeguards should be provided to the parent and the adult student. Procedural Safeguards must be provided to the student at least one year before the student's 18th birthday. If parents refuse a copy of the procedural safeguards, the team should document the declination.

Excusing required team members: A required team member who is not able to attend the meeting should notify the special education case manager before the scheduled IEP/ eligibility meeting. The case manager then needs to call the parent/caregivers well in advance of the meeting and inform them that the team member is unable to attend. Parents have the right to reschedule the meeting at a time all team members can be present. If parents agree to excuse the required team member and hold the meeting as scheduled, the parent and case manager will sign a Written Agreement to excuse team member(s). The excused team member must provide input in writing for the IEP meeting. The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

IEP components

Demographics: (or "Cover Page") of the Oregon Standard IEP serves as the legal cover sheet and data baseline for a student's special education profile. It consolidates required student identifiers, key timelines, and compliance tracking metrics into a single scannable document.

Special Factors: The Oregon Standard IEP form lists these factors as direct "YES" or "NO" checkboxes:

Behavior: Does the student exhibit behavior that impedes his/her learning or the learning of others?

- If YES: The team must document positive behavioral interventions, strategies, and supports (such as a Functional Behavioral Assessment or a Behavior Intervention Plan).

Limited English Proficiency: Does the student have limited English proficiency?

- If YES: The team must specify the student's English Language Proficiency Level and ensure their language needs are directly reflected in the IEP goals and accommodations.

Blindness or Visual Impairment: Is the student blind or visually impaired?

- If YES: The team must provide instruction in Braille, or complete an official reading/writing evaluation proving that Braille is not appropriate for the student.

Communication Needs / Deafness: Does the student have communication needs? Is the student deaf or hard of hearing?

- If YES: The team must detail the exact communication supports, alternative modes (e.g., sign language, picture communication), or direct instruction the student requires.

Assistive Technology (AT): Does the student need assistive technology devices and services?

- If YES: The team must identify the tools the student needs to learn, ranging from low-tech options (like pencil grips or graphic organizers) to high-tech options (like text-to-speech software or communication devices).

If a staff member marks "YES" to any factor on this page, that exact need must be addressed downstream in the IEP. It must appear in the Present Levels (PLAAFP), the Annual Goals, or the Accommodations and Modifications sections. Example of Non-Compliance: Checking "NO" to the behavior question, but later listing "frequent sensory breaks for emotional regulation" on the accommodations page, creates a legal contradiction. Every Student, Every Meeting: Teams cannot skip this page or leave it blank. It must be actively discussed and checked during every annual review.

Present Levels (PLAAFP): The IEP team must review, document, and discuss the following: Strengths of Student, Parent Input, Present Level of Academic Performance, Present Level of Functional Performance, and Impact of Disability on the Involvement and Progress in General Education.

Student Overall Strengths, Interests, and Preferences: This section marks the official transition from compliance paperwork to the actual child. Positioned right at the start of the Present Levels (PLAAFP) section, this area ensures the IEP is built on an

asset-based, positive framework rather than just a list of deficits. To write a high-quality Present Levels Strengths, Interests and Preferences section, teachers must understand what differentiates these three terms: Strengths (Academic and Non-Academic): These are areas where the student excels, demonstrates proficiency, or shows natural talent. Interests: These are the student's personal passions, hobbies, and motivators outside of standard schoolwork. Preferences: These are the environmental conditions, tools, and learning styles that the student actively chooses or responds best to.

Parent input: The Educational Concerns of the Parent section (often labeled as "Parent Input" or "Parent Concerns") is a federally mandated component. The IEP team must actively seek, consider, and document the concerns of the parents for enhancing their child's education. This space must accurately reflect the parents' perspective on their child's current development, school experience, and long-term future. It typically includes academic and behavioral concerns, social-emotional and medical concerns, future hopes and goals, and what works at home. To ensure staff gather parent input, send a Pre-Meeting Survey which could be a simple questionnaire before the IEP meeting to give parents time to think and write down their thoughts, and/or ask directly at the meeting.

Preset level of Academic Achievement: This section is the cornerstone of the Present Levels of Academic Achievement and Functional Performance (PLAAFP) page. Under the Individuals with Disabilities Education Act (IDEA), this section establishes the baseline data for the student's current academic skills. Every goal, accommodation, and service written later in the IEP must logically tie back to the specific needs documented here. To ensure legal compliance and instructional utility, staff must ensure that every academic description contains three interconnected components: Objective Baseline Data: Use current, measurable metrics from multiple sources. Do not use vague language like "*Sarah is doing well in math.*" Use specific numbers, scores, and instructional levels. The Impact Statement: A clear statement explaining how the student's specific disability directly impacts their ability to progress in the general education curriculum. A Defined Area of Need: The exact skill deficits that require specialized instruction. This area of need serves as the direct launchpad for the annual goals.

Present Levels of Functional Performance: While academic performance covers traditional subject areas, the Functional Performance section evaluates the non-academic skills a student needs to navigate the school day safely, independently, and successfully. Under the Individuals with Disabilities Education Act (IDEA), the IEP team must document baseline data for any non-academic domain impacted by the student's disability. Staff should assess and document a student's functional abilities

across these primary domains, depending on their unique needs: Behavior and Emotional Regulation: The student's ability to cope with frustration, manage stress, follow school rules, and respond to behavioral triggers. Social and Communication Skills: How the student interacts with peers and adults, navigates social cues, expresses wants and needs, and handles group dynamics. Executive Functioning and Organization: The student's capacity to plan, initiate tasks, manage time, organize physical or digital materials, and handle transitions. Motor Skills and Self-Care: Gross motor (navigating the campus, stairs, playground), fine motor (holding a pencil, using scissors, typing), and activities of daily living (ADLs) such as toileting, feeding, and dressing. This section must also include An Impact Statement: A clear statement explaining how the student's specific disability directly impacts their ability to progress in the general education curriculum. A Defined Area of Need: The exact skill deficits that require specialized instruction. This area of need serves as the direct launchpad for the annual goals.

Statewide and Districtwide Assessments: An example of a statewide test is the Smarter Balanced Assessment (SBAC). The district will utilize Oregon Department of Education (ODE)'s guidance as it pertains to assessments. Students should not see any accessibility support (modification or accommodation) for the first time on an assessment; any identified supports used on assessments should be used in instructional settings and will be found on the service summary page as an accommodation.

Extended Assessments: Students with the most significant cognitive disabilities are typically characterized by significantly below average general cognitive functioning and may be assigned to complete the extended assessment versus the regular statewide assessment. This commonly includes a student with intelligence test scores two or more standard deviations below the mean on a standardized individually administered intelligence test, occurring with commensurate deficits in adaptive behavior that are frequently also evident in early childhood.

Transition Planning: The Secondary Transition Planning section shifts the focus of the IEP toward the student's adult life after high school. Under the Individuals with Disabilities Education Act (IDEA) and Oregon Department of Education (ODE) guidelines, transition planning is a mandatory federal requirement.

Age-Appropriate Transition Assessments: The bedrock of the entire plan. The IEP must list the specific formal or informal assessments (e.g., career interest inventories, independent living checklists) used to identify the student's Preferences, Interests, Needs, and Strengths (PINS).

Measurable Post-Secondary Goals (MPSGs): Explicit statements defining what the student *will* do after graduation or exiting the school district. These goals are long-term target outcomes and must cover Education/Training, Employment, and, where appropriate, Independent Living Skills.

Course of Study: A multi-year description of the student's high school coursework (from the current year through graduation or exit) that directly aligns with their post-secondary goals.

Transition Services and Activities: The specific actions, classes, or community experiences the school district will provide *this school year* to help the student build the skills needed to achieve their post-secondary goals.

Agency Collaboration: Documentation of any outside agencies (such as Oregon Vocational Rehabilitation, Developmental Disability Services, or brokerage firms) invited to collaborate on or provide services for the student's transition.

Post School Outcomes: High School Case Managers are responsible for exit interviews and follow-up. This is an ODE-required compliance task for a student's IEP transition plan and goals. Special Education staff will call each student on the exit list. The exit list is provided by ODE for each Case Manager. If not able to contact the student, Special Education staff must contact parents, friends, other relatives, etc. in order to complete the required compliance reports. Multiple modes and attempts of contacts must be clearly documented. Case Managers with this responsibility will receive yearly training.

Transition Goals: Goals must address education AND training AND employment AND MAYBE independent living (if appropriate). For some students, education and training may be the same goal; it must be clear that both were addressed. SGs must be measurable and written for after the student leaves K-12 education; if the student is in an 18-21 transition program, SGs goals are written for after the student leaves this program, and they must be directly linked back to the student's age appropriate transition assessment.

Diploma Options: Diploma conversations should begin by 5th grade. IEP teams should document this on the meeting minute's page. A diploma decision must be made two years before the anticipated graduation date. IEP teams determine if a student's diploma type is regular, modified, or extended or if the student will work towards a certificate of completion. Modified diplomas require parental or adult student consent. A Consent Form must be used to document the decision and consent. Diploma

determinations may change over time if a student's circumstances, supported by data, have changed. Earning an standard Oregon diploma (or greater) ends a student's right to FAPE; students earning modified, extended certificates or GEDs are still eligible for services through age 21.

Annual Goals and Objectives: The Measurable Annual Goals and Short-Term Objectives section translates a student's identified academic and functional deficits into clear, legally binding targets. Under the Individuals with Disabilities Education Act (IDEA), every goal must be designed to enable the student to make meaningful educational progress and access the general education curriculum over a 12-month period. To ensure compliance, special education staff should use the SMART framework (Specific, Measurable, Attainable, Results-oriented, Time-bound). Every annual goal must explicitly feature these four components: Timeline & Learner: Clear statement of who and when. Condition / Context: The specific environment, materials, or prompts provided to the student. Target Skill (Observable Behavior): A highly specific, countable action that can be seen or heard. Avoid unmeasurable verbs like *learn*, *understand*, *improve*, or *appreciate*. Use action verbs like *decode*, *write*, *calculate*, *initiate*, or *state*. Criteria for Mastery & Measurement Method: The exact accuracy rate, frequency, or duration required to master the goal, along with *how* it will be tracked.

Services on the IEP: The Services Summary page is the ultimate commitment page of the IEP. It outlines the exact specialized instruction, support, and resource allocations the school district is legally bound to provide. Under the Individuals with Disabilities Education Act (IDEA), this page serves as a clear contract with the family, specifying the type, frequency, location, and duration of all services.

Specially Designed Instruction (SDI): Adapting the content, methodology, or delivery of instruction to address the unique needs of the student. SDI must always be delivered or directly supervised by a licensed special education teacher or specialist.

Related Services: Developmental, corrective, or supportive services required to help a child benefit from their special education.

Supplementary Aids and Services: Accommodations, modifications, and program supports provided in general education classes or other education-related settings to enable children with disabilities to be educated with non-disabled peers to the maximum extent appropriate.

Supports for School Personnel: Training, consultation, or material support provided to school staff to help them successfully implement the student's IEP.

Ensure every service has a frequency/amount, a location, and a start and end date.

Non participation justification (often referred to as the LRE Justification): A high-stakes, federally mandated component of the IEP services section. Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rule (OAR) 581-015-2200, public schools must educate students with disabilities in the Least Restrictive Environment (LRE). This statement serves as the formal legal defense justifying exactly why a student must be removed from their non-disabled peers for any portion of the school day. The law states that a student can only be removed from the general education environment if the nature or severity of their disability is such that education in regular classes—even with the use of supplementary aids, accommodations, and modifications—cannot be achieved satisfactorily. Therefore, if a student leaves the general education classroom for even one minute of Specially Designed Instruction (SDI) or Related Services (like pull-out Speech or Resource Room math), the IEP must contain a clear, written justification statement.

To calculate the percentage of time inside the regular classroom, divide the number of hours/day the youth receives special education and related services outside the regular classroom by the total number of hours in the school day

Placement coding may include, but are not limited to:

80% or more of the day - Regular Class Children who were inside the regular classroom for 80 percent or more of the school day, previously known as Regular Class.

40 to 79% of the day - Regular Class Children who were inside the regular classroom between 40 and 79% of the day, previously known as Resource Room

Less than 40% of the day - Regular Education Class Inside regular class less than 40 percent of the day. Children who were inside the regular classroom less than 40 percent of the day, previously known as Separate Class.

Extended School Year (ESY): ESY services are a provision of Special Education and related services during the summer breaks to maintain progress on IEP goals that the student had previously acquired prior to scheduled breaks (winter and spring). They are services that are based on the student's IEP and, therefore, are "student specific" or individually tailored programs. District staff must collect data relating to specific goals and objectives identified from the current IEP as they collect data on all IEP goals to determine progress throughout the school year. The decision of whether a student is eligible is determined by a student's ability to maintain progress on goals identified on the IEP during the typical school year is based on regression and recoupment data. Regression means significant loss of skills or behaviors in any area specified on the IEP

as a result of an interruption in education services. Recoupment means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services. ESY services are: to maintain learned skills, not to develop new skills.

IEP Revisions: There are times throughout the life of an IEP that changes occur in a student's services and revisions need to be made. A meeting may or may not be necessary. If a meeting is not necessary, the parent must sign written consent to revise the IEP without holding a meeting.

Section 6

Least Restrictive Environment (LRE): The Least Restrictive Environment (LRE) and Educational Placement section is where the IEP team officially documents where the student will learn. Under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rule (OAR) 581-015-2240, placement decisions must be made by a group of persons—including the parents—and must be determined at least annually based on the student's unique IEP goals.

By law, school districts cannot offer an "all or nothing" model. They must maintain a continuum of placement options to meet varying student needs:

- General Education Classroom (Full Inclusion): The student spends 100% of their day in the standard classroom. All modifications and accommodations (and some push-in specialized instruction) happen alongside non-disabled peers.
- Resource Room Support (Part-Time Pull-Out): The student spends the majority of their day in general education, but is pulled out to a special education room for targeted, small-group instruction (e.g., 45 minutes a day for specialized reading).
- Self-Contained Special Education Classroom: The student spends the majority of their day in a specialized classroom with other students who have disabilities, receiving highly individualized academic, behavioral, or life-skills instruction.
- Separate Day School: The student attends a specialized public or private school specifically designed to address severe alternative educational or behavioral needs.
- Homebound or Hospital Instruction: The most restrictive environment, where the district provides instructional services directly to a student at home or in a medical facility due to severe medical or psychological needs.

Placement options, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions are available to the extent necessary to implement the individualized education program for each student with a disability. The placement team documents the placement selected, and provides a copy of the determination to the parent. If the selected placement is a

change from previous placement, the District provides the parent with prior written notice of the change in placement; and if the parent requests a specific placement that the team rejects, the District provides a prior written notice of refusal.

Functional Behavioral Assessment (FBA):

In Oregon, a Functional Behavior Assessment (FBA) is an individualized assessment that identifies the function of a student's behavior to develop targeted, positive interventions. State law mandates that FBAs must be conducted by a qualified professional, use technically sound instruments, and require parental consent.

When required: FBAs must be conducted or revised when a student with an Individualized Education Program (IEP) or 504 Plan places themselves, other students, or staff at imminent risk of serious bodily injury. It is also required as part of a manifestation determination when behavior results in a significant change of placement. According to the [Oregon Department of Education \(ODE\) FBA/BIP Guidelines](#), conducting an FBA requires:

- Clear, Objective Definition: The behavior(s) of concern must be described in measurable, observable terms.
- Data Collection (The "ABC" Model): Information is gathered through interviews, school records, and direct observation. Assessors must look for the Antecedents (what happens before the behavior), the Behavior itself, and the Consequences (what happens immediately after).
- Multiple Measures: No single measure can be used as the sole criterion for a Behavior Intervention Plan (BIP).

Based on the data collected, the team forms a hypothesis about the 'function' of the behavior, or the reason the behavior occurs. This information is used to develop a Behavior Intervention Plan (BIP). The BIP must focus on positive behavior interventions. An FBA is an ongoing process, and with it the team will need to determine if the BIP has been followed by school staff before revising it or updating the FBA.

Disciplinary Removal:

Discipline Removal for up to 10 School Days (consecutive or intermittent): The district may remove a student with a disability who violates the Student Code of Conduct from the student's current educational placement to an appropriate interim educational setting or an out-of-school suspension for up to 10 school days in a school year in the same manner as students without disabilities. These removals ARE NOT considered a

change of placement. The district will not provide access to special education and general education during this time.

Discipline Removal for more than 10 School Days and Pattern of Removal: The district will complete a Manifestation Determination for students whose data reflects a pattern of discipline removals up to 10 days in an academic school year.

Individual Education Plan (IEP) teams must determine whether the series of removals constitutes a pattern on a case-by-case basis. If the team determines that there is a pattern of behaviors. In that case, the team will implement one or more of the following: classroom observations, safety plan, or a Functional Behavior Assessment and Behavior Intervention Plan.

In determining whether removals of additional periods of up to 10 school days constitute a pattern of removals, school personnel will consider, on a case-by-case basis of whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and any additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.

During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the District will provide services that are necessary to enable the student to continue to participate in the general education curriculum, make progress towards achieving goals, and that the services and location for delivery of services be determined.

The District may remove a student with disabilities from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

Manifestation Determinations: Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the District convenes a manifestation determination meeting. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the District's failure to implement the student's IEP, includes the parent(s), school District

representatives, and other relevant members of the IEP team, as determined by the parent and District. The team reviews all relevant student information, including the student's IEP, teacher observations, and information provided by the parent. The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct results of the district's failure to implement the IEP. If the team determines that the District did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately. Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.

If the team concludes that the behavior was a manifestation of the student's disability, the district will not proceed with a disciplinary removal for more than 10 days. The district will conduct a functional behavioral assessment and develop a behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or, if the student already has a behavior intervention plan regarding that behavior, the district will review, modify as necessary, and implement the plan to address the behavior. The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan. The district may otherwise revise the IEP through the normal revision process. If the District believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district appeals the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

If the team determines that the behavior is not a manifestation of the disability, the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the District takes such action, applicable to all students, the district notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice, gives the parent(s) prior written notice of any proposed change in placement and provides services to the student in an interim alternative educational setting that is determined by the IEP team; and provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior, and implements those interventions.

Section 7

Restraint and Seclusion

The laws governing Physical Restraint and Seclusion in educational environments are highly restrictive civil rights and safety frameworks. Under Oregon Revised Statute (ORS) 339.291 and Oregon Administrative Rule (OAR) 581-021-0553, restraint and seclusion are never permitted as standard behavioral modifications, interventions, or placements. They are strictly limited to unexpected, emergency safety responses. To remain legally compliant, staff must distinguish between emergency physical management and ordinary classroom operations:

- **Physical Restraint:** Direct bodily contact that restricts a student's freedom of movement or normal access to their own body.
 - **What it is NOT:** Escorting a student by the hand/arm if they are cooperative, or physical contact required to complete an instructional task.
- **Seclusion:** Involuntarily confining a student alone in a room from which they are physically prevented from leaving (by a locked or blocked door).
 - **What it is NOT:** A student choosing to visit a designated calming area, sensory room, or taking a supervised, voluntary break from which they can freely walk away.

If an emergency requires a trained staff member to implement restraint or seclusion, the school district must execute a multi-step compliance process:

Continuous Monitoring: Staff must maintain continuous visual and auditory monitoring of the student for the absolute duration of the event.

The 30-Minute Rule: If an incident surpasses 30 minutes, an administrator must provide fresh, written authorization every 15 minutes justifying the extension. The student must receive bathroom and water access every 30 minutes.

Same-Day Parent Notice: The school must verbally or electronically notify the parent/guardian by the end of the school day on which the event took place.

24-Hour Written Document: A full, written account outlining the de-escalation methods attempted and the exact timeline must be delivered to the parents within 24 hours.

Debriefing Meeting within 2 Days: The campus must host a debriefing meeting within 2 school days to review data and any unaltered audio/video recordings. The parent must be invited to this review.

Section 8

Procedural Safeguards

The Procedural Safeguards Notice (often referred to as the "Parent Rights Pamphlet") is a legally mandated document that explains the federal and state civil rights guaranteed to students with disabilities and their parents under the Individuals with Disabilities Education Act (IDEA) and Oregon Administrative Rule (OAR) 581-015-2305. It is not an optional brochure; it is a vital legal document that must be offered to families at specific, regulated points during the special education process.

School staff must offer this document to parents as it establishes district compliance. Documenting that the parents received this pamphlet protects the district in state audits and due process hearings. It serves as legal proof that the school explicitly informed the family of their civil rights.

Section 9

Written agreement

Under the Individuals with Disabilities Education Act (IDEA), a written agreement or informed parental consent is legally required for specific actions to protect parent and student rights and ensure transparency. Under federal and Oregon special education law, schools cannot make unilateral decisions; parents are legally mandated, equal members of the IEP team.

Reasons for a written agreement:

Excusing a required IEP team member. Mandatory IEP team members cannot be excused from an IEP meeting without written consent to excuse them. If the team member's curriculum content is not being discussed, parents and school must sign a written agreement to excuse them. If the content IS being discussed, the parent must sign a written consent to excuse them, AND the team member must submit their instructional input and recommendations in writing before the meeting starts.

Amending an IEP without a full meeting. Once an annual IEP is written, making changes usually requires assembling the full team. However, minor modifications can be made via an IEP Amendment. The school and parent can mutually agree to update the current IEP without reconstructing the entire panel. This requires a clear, written agreement detailing the precise modifications.

Extending the 60 day evaluation timeline. When a student is evaluated for special education eligibility, federal and state laws enforce a strict timeline (often 60 days from consent). If a school district needs an extension (e.g., waiting on an outside medical specialist or due to an unexpected school closure), they cannot grant it to themselves. The parent and school must enter a written agreement to establish a specific, new completion date.

Inviting outside agency representatives. This occurs sometimes for students preparing for life after high school, the school often invites external specialists—such as representatives from the Vocational Rehabilitation department or developmental disability services—to plan transition goals. There are other instances when outside agency representatives are invited such as Child Welfare, or Developmental Disabilities Services, too. The school must obtain written parental agreement/consent before inviting these individuals to an IEP. This does not have to be in writing or via signature. A verbal agreement is allowed per our Oregon forms.

Section 10

Prior Written Notice

The purpose of a Prior Written Notice is to notify parents and caregivers, and adult students (18 years or older) of any change to FAPE and the IEP. A Prior Written Notice Form is used when a significant change to FAPE and the IEP content will occur. Prior Written Notices must be written to fit the individual situation, not a template form. The Prior Written Notice must be provided to parents and/or caregiver, and adult student (18 years or older) in their native language. The original copy will be filed in the electronic student special education file and a copy will be sent to parent, caregiver or adult student.

Prior written notices will be provided at each IEP meeting stating that services will be implemented starting the day of the meeting.

Section 11

Attendance and Withdrawal

The Oregon Department of Education (ODE) requires a minimum of Instructional hours based on grade level. Student attendance is heavily regulated by state law to minimize chronic absenteeism and ensure kids receive a consistent education. Oregon law dictates that all children between ages 6 and 18 must attend school regularly, and

school districts are legally required to drop students from enrollment after 10 consecutive days of absence.

When a student is not attending, the special education placement remains the same unless the IEP team decides a change of placement is needed to increase attendance. If a child has dropped out or is a “10-day drop”, collaborate with the school office and building administrator(s) to send a letter offering services (Stand Ready to Serve PWN). Send this to the district office.

Staff will continue to implement all IEPs to the best of our ability for students whose attendance is sporadic. If disability affects attendance: Develop an attendance incentive program or other solutions to address the problem. Document the team’s plan and attach it to the IEP under “Functional Performance.”

Abbreviated School Day / Reduced School Day Determination

Senate Bill 819 (SB 819) is an Oregon law designed to ensure that students with disabilities have equal, meaningful access to a full school day. Passed to curb the discriminatory practice of informally shortening school hours for students with IEPs or 504 Plans, the law mandates strict procedural guardrails before a student's time at school can be restricted.

A school district cannot consider an abbreviated schedule unless it has first made and documented reasonable efforts to keep the student in a full-time placement with proper supports. A district is legally prohibited from shortening a student’s day without informed, written consent from the parent or guardian.

Parents have the unilateral right to revoke consent at any time. If a parent withdraws their consent in writing, the school must return the student to a full-day instructional schedule.

Challenging behaviors cannot be used as an excuse to send a child home early. Instead, schools must deploy targeted interventions, such as a Functional Behavior Assessment (FBA) and a formal behavior support plan, as discussed in the Functional Behavior Assessment and Behavior Intervention Plan section.

For comprehensive regulatory details, you can view the official [Oregon Department of Education Abbreviated School Day Program Guidelines](#).

Section 12

Dismissal from Special Education Services

Before determining that a student is no longer eligible for special education or related services, the district completes a reevaluation, except when the student becomes ineligible due to graduation with a regular diploma or the student becomes ineligible due to age, or when a parent signs a revocation of special education services.

Graduation

A student who receives a regular diploma is no longer eligible for special education services. Persons aged 18-21 years, who are eligible for special education and have NOT received a regular high school diploma, are entitled to free educational services to assist in achieving IEP goals and objectives. A student without a regular diploma may be eligible for services until the end of the school year in which they reach the age of 21. The IEP team determines whether continued services, including transition services, can assist the student to meet the goals and objectives of the IEP.

For a student graduating with a regular diploma, the special education case manager completes a prior written notice, a summary of performance, and a special education exit. For students at the end of the school year of which they turn 21, complete the same exit procedures and form.

Dismissal due no longer qualifying

Students should not be dismissed from special education without an eligibility / non eligibility determination. Exit criteria for the current disabling condition should be reviewed and discussed at the Eligibility Conference prior to making a final decision

Section 13

Special Education Records

The district complies with all federal and state laws regarding student records. Special Education student records are maintained in an electronic file at the district office. Special education case managers retain the IEP folders during the school year.

Section 14

Oregon Department of Education compliance

All Special Education staff are responsible for district, state, and federal compliance for IDEA. The district believes that compliance begins in the classroom and at each student's IEP meeting. In order to assure that students and families are provided with a high level of services, our district fully participates in Oregon Department of Education's system improvement checks and our district's internal IEP and file audits.

Section 15

Special Education Processes

Oregon Move- Ins

When a student moves into the district with a current IEP from another district in Oregon, a file review must be completed. Upon enrollment, the new school district must immediately provide services that are structurally equivalent or as close as possible to the services listed on the transfer IEP. School staff should consult with the parents immediately to discuss how these comparable services will look in the new school setting. The district must, within 30 days, adopt the previous district's IEP or meet to design, write and implement a revision to meet the student's needs in the new placement.

If the IEP is expired, the district must still provide comparable services based on that last-written document. The IEP team must immediately schedule an IEP meeting to conduct an annual review and write a current, valid IEP.

Out of state move ins

When a student moves into the district with a current IEP from an out-of-state district, a file review, new eligibility, new IEP, and new Initial Consent for providing services must be completed. Use the Review of Existing Information / Referral Form to complete the process. An eligibility for Oregon law is required after evaluations are received or completed. When complete, send copies of all move-in paperwork to the district office.

Oregon IEP timelines

Annual IEP

Timeline: Once every school year

Paperwork: Meeting notice mailed out 2 weeks prior to the IEP meeting, meeting notes, Parents' rights completed, Completed IEP

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Finalization: within 10 school days

Placement determination

Timeline: Once every school year

Paperwork: Meeting notice, meeting notes, Parents' rights completed, Completed placement page with the IEP

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Finalization: within 10 school days

Re- Evaluation Planning meeting

Timeline: At least 60 school days before the 3 year review is due

Paperwork: Re evaluation planning form (Review of Existing Information), signed consent for evaluations, any hipaa or release of information forms

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Finalization: within 5 school days

Eligibility

Timeline: Once every 3 years

Paperwork: Re evaluation planning form (Review of Existing Information), signed consent for evaluations (both if testing is required), any hipaa or release of information forms

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Finalization: within 10 school days

Initial Evaluation Planning Meeting

Timeline: 5-10 school days after the referral/ request

Paperwork: Evaluation planning form (Review of Existing Information), signed consent for evaluations (both if testing is required), any hipaa or release of information forms

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations
Finalization: within 10 school days

Initial Eligibility/ IEP

Timeline: Conclusion of the referral process (60 school days maximum, our district timeline is 50 school days). If time is limited and the IEP portion of the meeting needs to be postponed, this must occur no more than 30 days after the eligibility determination
Paperwork: Meeting notice mailed out 2 weeks prior to the IEP meeting, meeting notes, Parents' rights completed, Initial Consent for Placement in Special Education Services, Completed IEP

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations
Finalization: within 5 school days

Move in (in state IEP)

Timeline: Convene IEP team meeting within 10 school days, if necessary

Paperwork: Prior notice of special education action

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations, if a meeting is necessary

Timeline: within 5 school days

Move in (out of state IEP)

Timeline: Convene IEP team meeting within 10 school days

Paperwork: see above eligibility determination paperwork

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Timeline: within 10 school days

IEP revisions

Timeline: anytime

Paperwork: all sections of the IEP in which revisions occurred

Team: Parent/Guardian, Student, Special Education case manager, General Education teacher, District representative, Specialists, Individual interpreting evaluations

Timeline: within 10 school days

FERPA and HIPAA

FERPA stands for the Family Educational Rights and Privacy Act. It is a federal law passed in 1974 that protects the privacy of student education records. The law applies to all schools that receive funding under an applicable program of the U.S. Department of Education. Under FERPA, a school may not generally disclose personally identifiable information from a minor student's education records to a third party unless the student's parent has provided written consent. There are some exceptions. One of the exceptions to the prior written consent requirement in FERPA allows "school officials," including teachers, within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have "legitimate educational interest" in the information.

A school may disclose personally identifiable information from education records without consent to a "school official: under this exception only if the school has first determined that the official has a "legitimate educational interest" in obtaining access to the information for the school.

FERPA differs from HIPAA in that it does not allow the sharing of information outside of specifically designated individuals within the education program without a signed consent to disclose information.

HIPAA stands for the Health Insurance Portability and Accountability Act. It is a U.S. federal law enacted in 1996 designed to modernize the flow of healthcare information, protect individuals' medical records, and safeguard other personal health information. HIPAA allows information to be shared between health professionals as part of the continuation of care of the patient. As such, a HIPAA covered entity may be allowed to share information with a school nurse; however, because the school nurse is bound by FERPA, he or she may not share/discuss health information without a signed consent. Disclosure includes calling or otherwise initiating a conversation about a student.

The primary difference between FERPA and HIPAA in a school setting is that FERPA almost always trumps HIPAA for student records. Once a medical record enters a student's school file, it ceases to be a HIPAA-covered medical record and becomes a FERPA-covered education record.

Section 17

High Desert ESD

High Desert Education Service District (HDESD) acts as a vital regional partner for the district. Because low-incidence disabilities require highly specialized, expensive personnel, HDESD pools resources across Central and Eastern Oregon. This ensures students receive a Free Appropriate Public Education (FAPE) even if our local community does not have access to those highly specialized personnel and/or equipment. HDESD delivers these legally mandated services via contract.

Autism Spectrum Disorder Services

Staff from HDESD help the district establish school-based eligibility for Autism Spectrum Disorder Eligibility, and if eligible, provide consultation services for those students.

Occupational Therapy (OT) & Physical Therapy (PT) Services

Occupational Therapy: Focuses on maximizing a student's independence. This includes improving fine motor skills (e.g., handwriting, using scissors), sensory processing, self-regulation, and daily living tasks within the school environment.

Physical Therapy: Addresses orthopedic impairments and mobility. PTs assess and modify the school environment to ensure safe physical access to classrooms, playgrounds, and school buses.

Adaptive Equipment: OTs and PTs collaborate to fabricate, customize, and trial adaptive school furniture, standing frames, or gait trainers.

HDESD staff help the district by completing evaluations, when necessary, and providing consultation services for those students.

Assistive Technology Services

When students require communication tools or specialized software to learn, the HDESD staff provides infrastructure support. Their equipment loan library allows the district to borrow high-tech and low-tech devices (like speech-generating augmentative communication devices or specialized tablets) for a trial period before purchasing.

Vision Services

HDESD deploys certified Teachers of the Visually Impaired (TVIs) and Orientation and Mobility Specialists. They may also instruct students directly in tactile learning, cane navigation, and independent travel safety. They help ensure students have access to accessible materials in formats needed for their disability.

Hearing Services

HDESD helps provide audiology support to evaluate student hearing thresholds in educational spaces and sets up personal FM/DM systems or soundfield loops in classrooms. They also help provide access to specialists who help students develop self-advocacy and language-acquisition strategies.

Section 18

Presence Learning

The district contracts with Presence (formerly PresenceLearning) for school psychology services. Instead of an on-site employee, the district contracts for a remote, Oregon-licensed school psychologist who operates through a secure, digital platform to provide evaluations, consultation, and behavioral support.

Because their services are remote, there is an "On-Site Facilitator" Requirement. Presence requires the district to provide a trained adult (usually a paraeducator or media specialist) to act as an on-site room manager. This facilitator greets the student, handles the physical environment, manages any tangible test blocks or booklets, and troubleshoots basic logistics.

The assigned school psychologist attends meetings virtually. The remote psychologist functions as a full, legally compliant member of the student's IEP team. They call or video-conference into eligibility clinics, annual IEP meetings, and manifestation determinations to explain data to parents and staff.

Section 18

Special Education Case Management

This manual serves as an operational framework to ensure our district consistently meets state and federal legal mandates under IDEA and Oregon law. However, compliance is only the foundation. Your daily diligence, meticulous documentation, and collaborative spirit are what transform these legal regulations into meaningful, accessible education for our students. Please use this manual as an ongoing resource, and never hesitate to reach out to the special education administration team for guidance, clarification, or support.