

Special Programs & Related Services

Special Programs

Rainier School District provides a range of services to meet student's IEP goals. Service and placement recommendations may range from inclusion support in general education classrooms, itinerant support through general education inclusion or small group pull-out, Resource Center support or placement in self-contained settings. Placement decisions are made through a team process, which includes at least, the parents, regular classroom teacher and Special Education service providers.

■ Resource Centers K-12

Each school in the Rainier School District houses a Resource Center Program. This program is staffed with certified special education teacher(s) who are Highly Qualified, and instructional assistants appropriate to the needs of each school. This support program provides individualized instruction including pull-out services and inclusion support services at the Elementary School, and Specially Designed Resource Center classes and/or inclusion support services at the Middle and High School.

Staff collaborate with classroom teachers to ensure students are meeting rigorous academic standards using a variety of approaches to meet the unique needs of students with disabilities .

Students receiving support through the Resource Center Program have varying disabilities which may include; Autism, Learning Disabilities, Intellectual Disability, Other Health Impairment, Visual and/or Hearing Impairment, Orthopedic Impairment, Emotional Disturbance and Communication Disorders. These students receive a majority of their instruction within the general education classroom setting with the

appropriate amount of specially designed instruction to ensure students make adequate academic gains.

- **Structured Learning Center K-6**

The Structured Learning Center (SLC) is a self-contained classroom designed to meet the needs of elementary school aged students with significant cognitive, communication, and/or behavioral impairment. Students receiving support through the SLC may be identified with any of the recognized special education eligibilities listed above and require support through specially designed instruction and adult assistance to gain educational benefit. Placement in this program is determined by individual student needs, IEP team and procedural placement guidelines.

Instructional techniques are tailored to the unique needs of the student using research based programming. Students may require such instructional supports such as Structured Teaching, Assistive Technology/Augmentative Communication support, Visual supports, Social Stories and other effective strategies to engage students in the learning process.

- **Life Skills Program 7-12**

The Secondary Life Skills Classroom is a specially designed program providing a variety of opportunities for students who demonstrate needs in communication, socialization, life skills, and transition services to work on objectives to increase independence, self-determination and success beyond school. Students receive specially designed instruction in functional reading and math skills, and have opportunities to learn basic life skills such as cooking, shopping, community access, and leisure skills. Mainstreaming occurs as determined by the IEP team. Life skill opportunities will be provided at all grade levels as needed or dictated on the IEP.

■ **Outside Placements**

Students who have demonstrated emotional and behavioral difficulties preventing success in the school setting may be considered for outside placement settings. These settings are restrictive, and selected only when a student has been deemed to require services that are not available within the school district, and all available school based supports have been explored to ensure success in the school setting. Placement will be determined by the IEP team and Director of Special Education.

Related Services

The Rainier School District provides a range of related services to meet the educational needs of students with a disability.

Related services are developmental, corrective and supportive services that are deemed necessary to allow the student to benefit from special education. Related services can be provided directly, by consultation or by contract provision from other agencies. The Rainier School District is directly responsible for assuring that the services deemed necessary by the IEP Team are provided.

The following Related Services may be provided based on a student's unique needs:

The federal regulations include a list of related services that schools must provide to students who need them to receive a meaningful education. It is important to note, however, that this list is not exhaustive and does not include all of the services that Rainier School District may provide. If the student requires a service, such as an interpreter, which is not on the list, it must still be provided by the school as long as the service is necessary for the student to be able to benefit from special education.

Examples of related services that may be provided: (34 C.F.R. 300.24(b)):

- **Audiology**: identification of children with hearing loss; provision of habilitative activities such as language habilitation, auditory training, speech reading, hearing evaluation and speech conservation; and fitting an appropriate hearing aid.
- **Counseling services**: services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
- **Occupational therapy**: services provided by a qualified occupational therapist and includes improving or restoring functions impaired or lost, improving the ability to perform tasks for independent functioning, and preventing initial or further impairment or loss of functions.
- **Orientation and mobility services**: services provided by qualified personnel to students who are blind or visually impaired to enable those students to become oriented to and move safely within their environments.
- **Parent counseling and training**: assisting parents in understanding the special needs of their child and providing parents with information about child development.
- **Physical therapy**: services provided by a qualified physical therapist.
- **Psychological services**: administering psychological tests, integrating information about child behavior and conditions relating to learning, consulting with staff members in planning school programs to meet the special needs of children, managing psychological services such as counseling, and assisting in developing positive behavioral intervention strategies.
- **Recreation**: assessment of leisure function, therapeutic recreation services, and recreation programs in schools and community agencies, and leisure education.
- **Rehabilitation counseling services**: services provided by qualified personnel in sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community.
- **School health services**: services provided by a qualified school nurse or other qualified person.
- **Social work services in schools**: group and individual counseling with the child and family, working in partnership with parents and others on those problems in a child's living situation that affect the child's adjustment in school, and mobilizing school and community resources to enable the child to learn as effectively as possible.
- **Speech-language pathology services**: identification of children with speech or language impairments, and provision of speech and language services for the habilitation or prevention of communicative impairments.

- **Transportation:** travel to and from school, travel in and around school buildings, and specialized equipment required to provide transportation for a child with a disability.

Special Education Evaluation Process

Pre-referral and Referral to Special Education

The Special Education referral is the initial step of the Special Education process. Any student who is believed to have a disability and in need of special education or related services in order to receive a free and appropriate public education may be referred by a teacher, parent, or other interested person. A special education referral shall not be requested until the student has been presented to the building level Care Team for suggestions and recommendations, and the student's progress has been monitored for a period of 8-12 weeks indicating interventions are not making a significant impact on progress. Parents may request a referral at any time. The Care team will decide along with parents whether to proceed with an evaluation. Teachers should operate from the hypothesis that a disability is the least likely cause of poor academic success, and that repairing obstacles to success within the teacher's control should be given priority prior to a Special Education referral. Repairing obstacles may include addressing vision or hearing problems and/or attendance issues with parents, and/or documentation of a variety of intervention strategies during the pre-referral process. This may include close communication with parents, school counselors and/or the principal to ensure these details have been addressed. Building level CST teams may recommend a variety of appropriate interventions for a trial period, in agreement with parents, prior to a formal special education referral.

Pre-Referral Considerations

- Prior to a Special Education referral, the following steps shall be completed:
- Teacher to meet with or call the parent. The purpose of this call is to share concerns about progress or performance in class and obtain any helpful background information to assist in determining obstacles to school success.
- The teacher will complete a cumulative record file review documented on the File Review form. The teacher will look for clues from the past, such as behavior referrals, test scores, attendance, failure of hearing/vision screenings, etc.
- The teacher will meet with the grade level and/or data team for consultation on core curriculum implementation, appropriate supplemental interventions, need for behavior supports and other available resources to support student progress. Consultation from Title 1 or Resource Room teachers may also be beneficial for suggestions on teaching strategies, curriculum modifications or accommodations.
- If the classroom teacher's data indicates the student is not making expected progress, the teacher begins to make adjustments in strategies used in teaching the student through intervention planning. The teacher reviews data to determine if these adjustments make an impact. Interventions should be documented for a course of 6-8 weeks.
- Following intervention planning during grade level or data teams, the teacher will implement and document the effectiveness of interventions. The type of intervention, instructional objectives, frequency of intervention (how many times per week), and duration of intervention will be noted. Additionally, the teacher should be prepared to compare the student's rate of progress to the expected rate of progress for the specific grade level and/or to compare the student's progress to his/her peers.
- Temporary interventions may be provided during this pre-referral period. The following temporary interventions may include the following as appropriate):
 - Daily/weekly progress report
 - Daily/weekly communication with the family
 - Peer tutor
 - Extended instructional time/day
 - Small group setting
 - Counseling support
 - Differentiated instruction and assignments
 - Shortened assignments (pending evaluation and placement)
 - Classroom volunteer support
 - Academic organizers
 - Oral and/or written options for homework/test completion

- Extended time for assignments
- Teacher and/or student notes
- Positive behavior intervention support plan
- Buddy classroom
- Counseling support
- Alternate daily schedule for a brief duration (pending evaluation and placement)
- Evaluate the results
 - Collect data
 - Review progress daily or weekly
 - Adjust intervention plan as needed
 - Document results
 - Share results with team

Special Education Process

- When the pre-referral steps have been completed and it appears there are no other reasonable interventions to attempt, and the student's performance continues as a concern, it would be appropriate for the Care Team to make a referral. The Care team will provide documentation of intervention data and results to the building special education team.
- Parent will be asked to provide information or complete a developmental history
 - For students referred for a special education evaluation, the discipline/removal procedures outlined in this handbook apply as they do for an eligible special education student. The following guidelines will assist with ensuring the success and safety of all students and staff.
- When a student is scheduled for a Special Education referral, the following documentation is mailed to the parents:
 - Notification of Special Education Initial Evaluation referral,
 - Procedural Safeguards,
 - Meeting notice

Required Meeting Participants for Meeting Notice:

- **Pre-Planning Meeting**
- **Eligibility Meeting**
- **IEP Meeting**
- **Placement Meeting**

Note: The parent is not included on this list because the meeting notice is addressed to the parent.

**For items marked by an asterisk, the determination may be made by the team without a meeting.*

Pre-Planning Meeting

*Meeting-To determine whether evaluation should be conducted

Required Participants

(OAR 581-015-0071)

- At least two professionals, at least one of whom is a specialist knowledgeable in the evaluation and education of children with disabilities; or
- The child's IEP team (see below).
 - School Psychologist
 - Case manager
 - General Education Teacher
 - District Representative
 - Other District Specialists as necessary
- At least two professionals, at least one of whom is a specialist knowledgeable in the evaluation and education of children with disabilities; or
- The child's IEP team (see below).
 - School Psychologist
 - Case manager
 - General Education Teacher
 - District Representative
 - Other District Specialists as necessary

To consider existing data as part of evaluation planning

(OAR 581-015-0701)

Eligibility Meeting

To determine eligibility: all disabilities except specific learning disability

Required Participants

(OAR 581-015-0071)

- At least two professionals, at least one of whom is a specialist knowledgeable in the evaluation and education of children with disabilities; or
- Participants must include:
 - School Psychologist
 - Special Education Case Manager
 - General Education Teacher
 - District Representative
 - Other District Specialists as necessary

To determine eligibility: specific learning disability

- At least two professionals, at least one of whom is a specialist knowledgeable in the evaluation and education of children with disabilities; or
- Participants must include:
 - Special Education Case Manager
 - General Education Teacher
 - District Representative
 - Other District Specialists as necessary
- A person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or other qualified personnel.

(OAR 581-015-0053)

IEP Meeting

For IEP meeting

Required Participants

(OAR 581-015-0066)

- At least one general education teacher of the child, if the child is or may be participating in the general education environment;
- At least one special education teacher or special education provider of the child;
- A district representative (who may be another member of the team) who is:
 - Qualified to provide, or supervise the provision of special education;
 - Knowledgeable about the general education curriculum;
 - Knowledgeable about district resources; and

- Authorized to commit district resources and ensure that services set out in the IEP will be provided;
- An individual (who may be another member of the team) who is knowledgeable about the child's disability and who can interpret the instructional implications of the evaluation results.
- If an interpreter is needed the district is required to provide one for the meeting.

For Placement

For placement meeting

Required Participants

(OAR 581-015-0061)

- An individual knowledgeable about the child (parent/ General Education Teacher/ case manager);
- An individual knowledgeable about the meaning of evaluation data; and
- An individual knowledgeable about the placement options. May be IEP team if individuals have required knowledge
- If an interpreter is needed the school is required to provide one for the meeting.

Paperwork:

*** Schools must communicate information to limited English parents in a language they can understand.**

- Pre-Referral
- Staffing Notes
- Academic data collection records
- Behavioral data collection records
- Parent contact log
- Parent interview
- Teacher input
- Release of information with any outside entities (i.e. physicians, psychologists, counselors;etc.)
- Referral
- Parent notification for Special Education Initial Evaluation Referral

- Meeting Notice
- Staffing Notes
- Prior Notice about Evaluation/Consent for Evaluation
- Release of information with any outside entities (i.e. physicians, psychologists, counselors;etc.)
- Procedural Safeguards
- Minutes of Evaluation or Re-evaluation Planning Meeting

Establishing Eligibility for Special Education

Overview of Special Education Eligibility Requirements

Disability Categories

The Oregon Administrative Rules (OARs 581-015-2130 to 581-015-2180) Specify minimum eligibility criteria for eleven disabilities: Autism, Communication Disorder, Deaf/Blind, Hearing Impairment, Learning Disability, Intellectual Disability, Orthopedic Impairment, Other Health Impairment, Emotional Disturbance, Traumatic Brain Injury, and Vision Impairment.

Eligibility Team Members

Eligibility decisions must be made by an eligibility team that consists of the following members:

- Special Education Teacher
- School Psychologist
- District Representative
- District Specialists as determined by pre-referral team
- A general education teacher, or if the student does not have a regular education teacher due to a restrictive placement, then a classroom teacher qualified to teach a student of his/her age.
- Parent/guardian

Primary and Secondary Disabilities

A student should be evaluated in all areas related to the suspected disability, and the IEP should address all of the student's special education needs. If the Special Education team determines that a student is eligible in more than one category, the team must determine which disability is primary. The primary disability should be the one that most adversely affects educational performance. A secondary disability should not be the result of another disability. In this case, a single eligibility is sufficient.

Consent for Evaluation

The Special Education Case Manager is responsible for evaluation planning, and completing the parent consent to evaluate prior to beginning the evaluation, providing procedural safeguards and providing parent notification for Special Education Initial Evaluation Referral.

Schedule a Team Meeting

The Special Education case manager/compliance officer is responsible for scheduling the eligibility meeting. The meeting must be scheduled within (60) schools days of receiving the Consent for Evaluation. Parents must be invited to this meeting and should be given at least 10 days notice for the opportunity to participate.

Review of Evaluations

The Special Education Case Manager will facilitate this meeting and determine who will take meeting notes. Each evaluator provides a written Evaluation Summary Report. Using this report, each evaluator presents a brief overview of test results reviewing the implications of the evaluation for the student in the classroom, and respond to questions or concerns.

Determining Eligibility

Those present at the meeting must determine whether all of the eligibility requirements for each potential disability have been met. This can be done by referring to the numbered items of the eligibility checklist for the specific disability. The team should look at the student's total performance considering teacher reports, observation data, inspection of student work, parent interview, behavior and personality testing and other evaluation information.

The following is determined:

- Review of existing information from a variety of sources including the eligibility team members, statewide assessments, cumulative records, and other relevant information must be completed.
- Progress monitoring of the child's academic achievement must be administered in regular intervals prior to or as part of the referral process. May include standards based progress monitoring, such as, but not limited to EasyCBM, SBAC, STAR and/or DIBELS.
- The student's disability has an adverse impact on education
- The student needs special education services
- The student's special education eligibility is or is NOT due to a lack of appropriate instruction/attendance in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development: reading fluency/oral reading skills; and reading comprehension strategies; is or is NOT due to a lack of instruction/attendance in math; and is or is NOT due to limited English proficiency.
- A medical statement may be required or recommended in determining eligibility for special education, use Medical Statement or Health Assessment form to document this information from a licensed medical provider licensed by the State to confer the diagnosis noted in the form

Meeting Notes

The meeting notes are required for Evaluation Planning, Eligibility, IEP and Placement determination to document any decisions made by the Special Education Team. See meeting note agenda templates for required elements.

Complete Eligibility Forms

- The eligibility forms are completed and signed by all team members present. Team members check the appropriate box indicating agreement or disagreement with the eligibility decision.
- A copy of the completed eligibility form, and evaluation reports are given to the parent.
- Team members who disagree with the eligibility decision must provide a written statement explaining their rationale.
- The original completed eligibility statement, signed evaluation report, notice of team meeting, prior written notice (SpEd Action Form) are sent to the SSSO (Student Support Services Office) to be added to the student special education file.

Eligibility Summary Report

Complete Eligibility Report, including but not limited to the following information:

- All evaluation procedures utilized to determine eligibility, tests, grades, and current information.
- The criteria met by the student, which documents the existence of the disability.

Ineligible Student

The statement of eligibility signed.

- The parent may disagree with the eligibility decision. If so, the parent should sign the Statement of Eligibility, checking the box indicating disagreement with the decision. The parent could also provide another written statement indicating disagreement with the team decision. The parent must be informed

of his/her right to an independent evaluation. Parents are given the Procedural Safeguards.

- Parents must be informed of the decision if they were not present at the meeting in a prior written notice (SpEd Action Form).
- If a medical provider provides a diagnosis, the team must consider whether the student meets eligibility requirements for a 504 Plan. Document on Meeting Notes that the team considered Section 504 or has referred the student to the 504 Team to determine if a 504 is appropriate.
- The original completed eligibility statement, signed evaluation report, notice of team meeting, prior written notice (SpEd Action Form) are sent to the SSSO (Student Support Services Office) to be added to the student special education file.

IEP Meeting

Prior Notice and Consent for Initial Placement into Special Education must be signed by parents prior to first IEP being implemented.

No child can begin services until the Consent for Initial Placement is signed, and an IEP has been developed and agreed to.

The special education case manager/compliance assistant is responsible for scheduling the IEP meeting. The IEP meeting must be held within 30 calendar days of determining eligibility. The IEP will be scheduled at the earliest mutually agreeable time within the 30 calendar days. Parents will be given advance notice and if unable to attend must contact the school district to re-schedule. If this is an initial IEP, the parent must attend in order to sign "Prior Notice and Consent for Initial Placement Into Special Education". The IEP meeting can be held right after eligibility determination.

What if a student moves into the district eligible for special education services?

When a student moves in from another state: The IEP team must determine Oregon eligibility. The team must conduct a file review to determine eligibility and if the team determines further assessments are necessary a pre-planning consent meeting will need to be scheduled as soon as possible. All paperwork needs to be transferred to Rainier School District forms. **Students must be served until the team determines**

the student is not eligible. A Prior Notice of Special Education Action must be completed accepting the current eligibility and IEP.

When a student moves into the district from within Oregon: Current eligibility is valid, unless the IEP team has reason to disagree with eligibility. A Prior Notice of Special education Action must be completed accepting the current eligibility and IEP. Students must be served until the team determines the student is not eligible.

Evaluation Requirements

Each Special Education eligibility has specific required assessments to be used in establishing a particular disability. The following grids are designed to provide guidance to teams in evaluation planning for each suspected area of disability.

Autism Spectrum Disorder

Autism Spectrum Disorder—“Autism” 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 by not necessarily manifested before age three. Autism may include autism spectrum disorders such as but not limited to autistic disorder, pervasive developmental disorder—not otherwise specified, and Asperger’s syndrome. The term doesn’t 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

“Communication Disorder” means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment 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.

Deaf/Blind

“Deafblindness” 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

“Emotional Disturbance” 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

- A. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- C. Inappropriate types of behavior or feelings under normal circumstances;
- D. A general pervasive mood of unhappiness or depression; or

E. A tendency to develop physical symptoms or fears associated with personal or school problems;

F. 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

Hearing Impairment 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

“Intellectual Disability” means significantly sub average 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.

Other Health Impaired

“Other Health Impairment” 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:

A. Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette’s syndrome or diabetes); and Adversely affects a child’s educational performance.

Orthopedic Impairment

“Orthopedic Impairment” 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, spina bifida, muscular dystrophy or traumatic injury).

A. Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette’s syndrome or diabetes); and Adversely affects a child’s educational performance.

Traumatic Brain Injury

“Traumatic Brain Injury” 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.

Specific Learning Disability

“Specific Learning Disability” 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 disability includes 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.

Vision Impairment

Vision Impairment- 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.

Consent and Parent Revocation of Consent

Consent for Special Education services, including consent for evaluation and reevaluation, consent for initial placement, and placement determination, must be obtained through informed written consent from the parent or adult student before provision of services.

- Consent for initial evaluation may not be construed as consent for the initial provision of special education and related services.
- Reasonable efforts must be made to obtain informed consent from the parent for an initial evaluation to determine a child's eligibility for special education services.
- If a parent does not provide consent for an initial evaluation, does not respond to a request for consent for an initial evaluation, or revokes consent for initial evaluation, cease action.
- If a parent or adult student does not respond or refuses to provide consent for initial provision of special education and related services or revokes consent for the initial provision of special education and related services, the district may not seek to provide special education and related services to the child by using mediation or due process hearing procedures.

If a parent or adult student refuses to grant consent for initial provision of special education and related services, does not respond to a request to provide such consent, or revokes consent for the initial provision of special education and related services:

- The district will not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the child with the special education and related services for which the school district requests consent; and
- The district is not required to convene an IEP meeting or develop an IEP for the child for the special education and related services for which the school district requests consent.
- If at any time following the initial provision of special education and related services, the parent or adult student revokes consent in writing for the continued provision of special education and related services, the school district:
 - May not continue to provide special education and related services to the student.
 - Must provide prior written notice before ceasing the provision of special education and related services; and,
 - The district is not required to amend the student's education records to remove any references to the student's receipt of special education and related services because of the revocation of consent.

The district will send an annual "Stand Ready" to serve letter to inform parents, and adult students of their right to re-evaluation for Special Education eligibility and services if eligibility is re-established.

Independent Evaluations

Every effort shall be made by District staff to ensure the evaluation process is positive and productive in identifying and planning for the needs of students referred for special education services. If a parent disagrees with the findings and recommendations of an evaluation conducted by the District, the parent may request and obtain an independent evaluation at District expense.

- **If a parent informs a staff member in writing of a request for an Independent Educational Evaluation (IEE), of their disagreement with the evaluation and recommendations, the staff member must inform the Special Programs Director.** If the request was made in writing, it must be placed on file in the Student Services office. If a request is made orally, the staff member shall document in the parent contact log.
 - The IEP team, including Director of Special Programs, will confer with staff and determine whether an IEE will be approved. The case manager will provide Prior Written Notice of the decision to parents.
- If the District agrees with the request for an IEE, the District and parent will plan for the following:
 - The identification of the evaluator(s);
 - The evaluation questions to be answered;
 - The release of the evaluation report to the District;
 - The scheduling of a meeting to review the findings and recommendations of the IEE;
 - The cost of the evaluation
 - An Independent Educational Evaluation obtained at the District's expense must be considered by the District in any decision made with respect to the provision of a free, appropriate education to the student and may be presented as evidence at a hearing regarding the student.
 - Parents have the right to select the independent evaluator(s) from the list provided by the District or to select from other sources of information that meet the criteria for a qualified examiner. The District may restrict parents to selecting from among persons on a list, so long as the student's needs can be appropriately evaluated by the persons on the list and the list exhausts the availability of qualified persons within the specified geographic area. The

District must, however, provide parents the opportunity to prove unique circumstances that justify the selection of an evaluator not on the District's list.

- When an IEE is conducted at public expense, the criterion under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same as the criteria used by the District when it initiates an evaluation.
- An IEE is only provided in the areas previously evaluated by the district in which the parent disagrees. If the parent requests that other areas are evaluated, the district retains the option to evaluate first in that area.
- If the District disagrees with the parent's request for an independent evaluation, the District may pursue a due process hearing to show that the District's evaluation is appropriate. A hearing officer may request that an IEE be conducted as part of the hearing, and the District shall pay the cost of the evaluation. If the hearing officer's decision is that the District's evaluation is appropriate, the parent still has the right to an independent evaluation, but not at District expense.

Special Education Dismissal Checklist

Planning: Start at least 8 weeks before eligibility is due. When considering dismissal, convene a team before team before the eligibility is due. Complete the following steps:

- File review(including but not limited to):
 - Statewide Assessments
 - Academic Testing
 - IQ testing
 - Speech Language Testing
 - Medical Statement

- School History
- Behavioral issues
- Other factors
- Evaluation Planning Meeting with completed Consent for Evaluation signed by the parent.
- Further assessment is always required when considering dismissal from SPED.
- Complete Prior Written Notice, and testing descriptions
- Observations
- 504 consideration

Complete Evaluation all testing, reports, and observations within 60 school days.

- All SLP, related service providers, case managers, and school psychologists must provide written reports in addition to the eligibility statement, prior written notice and staffing notes.
- All paperwork turned in to the Student Services office no later than 10 days following the eligibility meeting.

IEP Development & Placement Procedures

Purpose of the IEP

The IEP is a compliance-monitoring document. This document is designed to ensure that students are receiving the services designed by the IEP team necessary for disabled students to receive a Free Appropriate Public Education (FAPE).

The IEP process serves as:

- A communication vehicle with parents/guardians and the District
- Formal Documentation of team decisions and vehicle for compliance monitoring
- An opportunity for all team members to have a shared voice in deciding what the student's needs are, what services will be provided to meet those needs, and the anticipated outcomes.
- Opportunity for resolution of differences between parents/guardians and the District
- An evaluation device for determining the extent of the child's progress toward meeting the stated goals and objectives.
- The IEP is a contract between the school district and the parent/guardian and/or the student. Full due process procedures are afforded the IEP process.

Notification of the IEP Meeting

- The case manager notifies parents by telephone of possible meeting dates and times. The case manager determines other participants' availability and ensures required members of the IEP team are invited, as well as other team members designated as part of the IEP team. Written notice to parents and other participants is provided using Notice of Meeting at least 10 days prior to the meeting unless parents have agreed to meeting earlier than the ten-day notice.
- Parents must be given three separate meeting opportunities documented in writing if parents are not in attendance at either the first or second scheduled IEP meetings. If parents do not attend the third scheduled IEP meeting, the IEP meeting will be convened and the IEP document mailed to the parents. Notice must be given in the parent's native language.

When an IEP meeting must be convened

- IEP meeting must be convened within 30 days of determining student eligibility for special education and related services;
- By the annual IEP review date;
- When considering a change in the IEP; and
- At the reasonable request of:
 - a. Parent/guardian, person acting as a parent, or a surrogate parent, and the student if age 18 years; and
 - b. The student's teacher

IEP Meeting Participants

- IEP team membership must include:
 - The parent
 - At least one regular education teacher of the student, or possible regular education teacher of the student if the student may be participating in the regular education environment
 - At least one special education teacher
 - If the only special education service provider is a related service provider, then a District Representative (such as the Learning Specialist or an administrator) must also attend.
- Additionally, IEP team membership must be made up of the following:
 - A special education staff member who can interpret evaluation results. This staff member may also serve in the capacity of the special education teacher

noted above. Thus, one person can be responsible for the special education teacher or service provider and this role.

- The student is REQUIRED to participate beginning at age 16. It may also be appropriate for the student to participate prior to age 16.
- The District Representative must have the authority to commit district resources as outlined in the IEP document. The District Representative must be qualified to provide or supervise special education, and must be knowledgeable about the general education curriculum.

IEP Meeting Guidelines

- The following minimum activities are required elements of the IEP meeting:
 - Introductions of all members present.
 - Signing of Written Agreement if a team member is unable to attend but participated through writing.
 - Provision and review of Procedural Safeguards
 - Meeting minutes taken by a designated recorder.
 - Discussion of student's strengths
 - Discussion of educational needs for specially designed instruction, such as:
 - Academic
 - Behavior
 - Social/emotional
 - Daily living skills
 - Transition (required at least by age 16), earlier if appropriate

- Graduation options beginning in 5th grade
- Related Services
- Assistive Technology if needed
- Discussion of ESY as appropriate
- Discussion of Special Considerations (only those that apply need be discussed, i.e. if a child is not blind or deaf, that does not need to be discussed).
- Discussion of accommodations/modifications appropriate for the student.
- Discussion of goals/objectives and criterion for accomplishment of such
- Discussion of statewide assessment procedures if appropriate
- Behavior Support Plan if necessary
- Program Placement

Signatures

- A signature or initials on the cover page of the IEP signifies that individuals were in attendance at the IEP meeting. This information must be typed in and attendee can initial or sign. A signature on the annual placement page indicates agreement with the placement decisions. This signature is also required. For initial placement, parent signature is required. Beginning at age 16, students are required to participate in, and sign the IEP. Signatures are also required for all initial referrals to Special Education including Written Consent for Evaluation.

Prior Written Notice

- Prior Notice of Special Education Action must be completed whenever a new IEP is written, or whenever there is a proposal/refusal to initiate or change the IEP. This includes annual, initial, and revisions of the IEP. A copy must be sent to the parents.

New student Move In

- Student moved from **within Oregon** with a current IEP:
 - If IEP can be implemented as written, complete Prior Notice of Special Education Action and send a copy to parents.
 - If IEP cannot be implemented as written, provide Prior Notice of Special Education Action and conduct an IEP meeting completing an annual review or revised IEP document as appropriate.
- Student moved in from **out of state**:
 - Team must hold an eligibility team meeting to determine whether the student meets Oregon eligibility, or if additional data is required to establish eligibility. Prior evaluations may be used as appropriate. The student receives services during this period. If the IEP can be implemented as written, transfer IEP data onto Oregon IEP forms, complete with eligibility statement and Prior Notice of Special Education Action.
 - If IEP cannot be implemented as written, provide Notice of IEP Team Meeting and conduct IEP meetings utilizing identified IEP procedures.
 - Submit all forms to Student Services.

IEP Team Attendance Not Required (IDEA 2004)

If the District and the parent agree to excuse an IEP team member from meeting attendance, the parent and the District Representative must sign the Written Agreements between the parent and the District form.

- Reasons allowed for excusal are:
 - Content area of excused member not discussed at meeting: The excused IEP team member's area of curriculum or related service is not being modified or discussed at the meeting.

- Content area of excused member discussed at meeting: The excused IEP team member must submit in writing to the IEP Team information regarding modifications to or discussion of the member's area of the curriculum or related services if these areas will be discussed at the meeting. This applies whether the team member is excused in whole or in part of the meeting.
- Revisions to IEP other than at Annual IEP meeting: The District and parent agree that it is not necessary to meet to revise the student's IEP between annual IEP meetings.

Reporting Progress to Parents

- Progress toward IEP goals and objectives must be provided as often as report cards are provided to general education students. Progress towards IEP goals must be provided to parents on the IEP document, concurrent with the issuance of report cards. Every effort should be made to have progress reports prepared in a timely manner so that the regular education teacher is able to provide progress information along with the report card and/or progress report.
- In order to provide information on progress that is objective and related directly to the goal/objective, data must be taken over multiple data points. The information provided on the student's progress towards the goal must be specific, using the same type of criteria that will be utilized to determine whether the student met the goal at the end of the IEP year. (For example if the criteria is written as a percentage, the progress towards the goal must also be written as a percentage).
- Progress should be provided regarding present levels of performance as close to the date of progress report as possible. Averaging percentages from the beginning of a semester or grading period often provide spurious information. A student should not be penalized for beginning a skill with 0% accuracy at the beginning of the grading period, and performing with a higher percentage at the end of the grading period by an averaging process. This will be discussed further in the chapter on Grading Practices.

Annual Placement and Least Restrictive Environment

- Placement determination is made by a group of people including the parents. The team must include someone who is knowledgeable about the student, about the evaluation data, and about placement options. The IEP team may

serve as the placement team if the IEP team individuals with the required knowledge are present.

- Procedures:
 - Invite required participants to the meeting. This is typically a part of the Notice of Team Meeting. However, the placement meeting can be convened separate from the IEP meeting. If that is the case, then a new Notice of Team Meeting must be provided to participants.
 - Identify the placement team members on the placement determination page. Best practice is to ask members to provide their signature next to their typed name on the page. Signatures are required.
 - Review the student's most current IEP, determine which IEP services can be implemented in the regular class;
 - If all IEP services cannot be provided in the regular class, identify those that must be provided outside the regular class; however, modifications to the general curriculum cannot be the sole reason;
 - For those services that must be provided outside the regular class, identify where, on the continuum from least to most restrictive, the services can be provided;
 - The Least Restrictive Environment consideration begins with the school the student would attend if not disabled. Thus, the first placement option considered on the Placement grid needs to start with this consideration. The benefits of this option are documented. Any potential harmful effects on the child and/or on the quality of the services to be provided are documented for this placement option. Modifications/supplementary services to reduce the harmful effects are documented on the grid for the least restrictive option. These modifications and supplementary services come from the services summary page of the IEP.
- Descriptions of the Placement Options Considered section must be clearly stated.
- Descriptions of placement options must demonstrate a range of appropriate placement options from Least Restrictive Environment to placement options

with greater degrees of restrictiveness that ensure the student is able to receive FAPE.

- Document which placement option is selected, and the rationale for selecting this option. Document the placement options rejected, and the rationale for rejecting this option(s).
- Meeting minutes must document team member's agreement or non-agreement to decisions made, and the reasons for non-agreement. In cases where parents do not agree with the rest of the team, The District makes the determination. In such a situation, it is advised to stop the meeting and reconvene at a later date if a Special Education administrator is not at the meeting.
- Every effort should be made for district team members to come to agreement about placement. A pre-meeting is NOT a placement determination meeting. If team members cannot come to an agreement, the Holland Standard provides guidance on the decision making process in ensuring the Least Restrictive Environment has been considered and provided.

Standard 1:

- Academic Benefit: The educational benefits available to the student in the regular classroom supplemented with appropriate aides and services, as compared with educational benefits of a resource or specialized program placement. Consider:
 - Academic benefit to the student from being in the regular classroom.
 - Academic benefit to the student from being in a setting outside the regular classroom such as a resource room, or specialized program
 - Progress on academic IEP goals and objectives in the regular classroom
 - Degree to which the student would be able to participate in general curriculum in the regular classroom, with without modifications
 - Extend to which supplementary aids and services to support instruction in the regular classroom have been tried

- Student's need for intensive instruction in a special setting for a period of time to benefit from instruction in the regular classroom in the future

Standard II:

- Non-academic Benefit: The non-academic benefits of placement in a regular classroom, as compared with non-educational benefits of a resource or specialized program placement. Consider:
 - Other educational benefits the student has or would receive from placement in either setting in areas such as language, social skills, behavior, and self-esteem.
 - Progress students have or would make on non-academic goals in either setting.
 - The degree to which the student interacts with other students in either setting
 - The degree to which the student acquires appropriate communication and social skills modeled by nondisabled and disabled students in either setting
 - Extent to which supplementary aids and services to support nonacademic benefits have been tried

Standard III:

- Disruptive Effect: The effect of the student's presence on the teacher and other students in the various settings: Consider:
 - The degree to which the student would disturb or distract other students or otherwise disrupt the learning environment in the regular classroom as compared with a resource or specialized program setting
 - History of unruly, aggressive, or assaultive behavior; injuries to others resulting from student's behavior

- Threats to other students or staff
- Sexual harassment of students or staff; inappropriate sexual conduct
- Efforts made by the District, including consideration or use of appropriate supplementary aids and services, to control the disruption, danger, or other detrimental impact on the regular classroom, and the results of those efforts.
- Amount of time the regular classroom teacher would be required to devote to the child with disability

IEP Meeting Agenda

Introductions (3-5 min)

- Designate note taker and time keeper
- Provide Procedural Safeguards, highlight information
- Sign Written Agreement if a team member is unable to attend

Review purpose of meeting (20 min/longer if eligibility is included)

- Discussion of:
 - Eligibility if needed
 - Student's strengths
 - Present Level of Performance
 - Parental concerns
 - Special factors to consider (as applicable)
 - Educational needs for specially designed instruction/accommodations & modifications/services summary/Behavior Plan
 - ESY if appropriate
 - Transition services if applicable
 - Statewide assessment procedures if appropriate
 - Placement options
- Closing (5-10 minutes)
- Summarize meeting
- Explain paperwork procedures
- Schedule follow up meetings if needed
- Adjourn

Planning for an IEP Meeting

Case manager--30 school days prior to IEP date

- Review IEP goals/objectives to determine testing needed
- Complete annual standardized testing if written into the IEP
- Complete informal testing/probes
- Collect academic data and state testing performance
- Collect teacher input into student's progress and present level of performance
- Identify a potential IEP date if not pre-planned at the beginning of year

3-4 weeks prior to the IEP due date

- Contact all IEP team members to confirm possible meeting times
- Contact parent regarding possible meeting times and set meeting date
- Send IEP meeting notice (in parents native language)
- Print out progress notes from last IEP prior to updating new goals, be sure to provide a final progress report if IEP is not close to the most recent grading period.
- Is an interpreter needed for this meeting
-

1 week prior to the meeting

- Confirm meeting with parents
- Send draft IEP home particularly for IEP meetings that are estimated to be complicated
- Ensure all service providers have completed their draft present levels and IEP goals prior to IEP meeting
- Print out all forms needed for the meeting/check dates for accuracy
- Be prepared to provide Procedural Safeguards, take meeting minutes, cover agenda items
- Confirm meeting with parents the day before or the day of the meeting.

Statewide Assessment

STATEWIDE ASSESSMENT OF STUDENTS WITH DISABILITIES

- Both the Individuals with Disabilities Act of 2004 (IDEA) and OAR 581-022-0612 Exception of Students with Disabilities from State Assessment Testing require that individuals with disabilities be given equal opportunity to participate in and benefit from any program or activity customarily granted to all individuals with appropriate adaptations. Therefore, all students with disabilities are required to participate in the Oregon Statewide Assessments
- The student's Individualized Education Program (IEP) team, which includes the student's parents or guardian, makes the decision regarding the most appropriate method for a student with disabilities to participate in testing. Each student must be considered individually and not merely on the basis of the student's disability category. If a student's IEP specifies that a student should take an Extended Assessment, then the district must provide the student with that Extended Assessment. When assessing a student with a disability, the district must also ensure that the assessment fully complies with all IDEA requirements as specified in the IEP Guidelines.

Assessment Options for All Students with Disabilities

- Students may take a standard administration of the assessment with or without Accommodations.
- Students may take the Extended Assessment in any or all of the subject areas: Extended Reading, Extended Writing, Extended Mathematics, or Extended Science, based on the student's IEP, if applicable.
- Students eligible for English Language Development Services and served under an IEP may participate in ELPA according to section.

Braille or Large Print Assessments

- For those students who would benefit, instructions on obtaining, administering, and submitting Braille or Large Print please contact the Test Administrator at the District Office.

The Extended Assessments are Oregon's Alternate Assessments.

- The Extended Assessments are individually administered performance assessments for students who are significantly behind

grade level in academic achievement as determined by the student's IEP team. These students are typically working within a specialized curriculum and/or are receiving instruction that has been significantly adapted in order to allow access to grade-level content. Students on IEPs should only be considered for the Extended Assessments when they are unable to participate in the general assessments under standard testing conditions, even with accommodations. To use this option, an Extended Assessment must be explicitly identified on the IEP as the most appropriate assessment.

Consider General Assessment

With or without or with accommodations if:

Student

- Performance is significantly impacted by a disability
- Does not read
- Has academic, mobility, and receptive and expressive language difficulties that are generalized and significant
- Relies on individual and significant supports to access reduced content materials

Instruction

- Is from a specialized curriculum and has functional components and/or
- Includes academic goals that are significantly reduced in depth, breadth, and complexity from grade level content

Some Judgment Variables

- Is the student able to interact with instructional material in a way that provides meaningful feedback?

Accommodations and Modifications for SBAC/OAKS STATEWIDE ASSESSMENT

Accommodations

- An Accommodation is a change in procedure or materials that increase equitable access during the statewide assessments. Assessment accommodations generate valid assessment results for students who need them; they allow these students to show what they know and can do.

- State approved Accommodations do not compromise the learning expectations, construct, grade-level standard, or measured outcome of the assessment. By using a state-approved accommodation, the validity of the score achieved on the assessment is assured.
 - In the state of Oregon, any student is eligible to use a state-approved Accommodation; however, the decision to use state-approved accommodations should always be made on an individual student basis, not to a group of students or to an entire class without an investigation of individual student need.
- IEP Teams shall select, for each assessment, only those accommodations that do not invalidate the score.

Accommodations Tables for Oregon Knowledge and Skills Test Administration

- Accommodations in the attachments have been reviewed and do not change the content and/or performance standards of what is being measured by the test. Note: Both Accommodations and modifications tables in test administration manuals are updated periodically by the ODE through a formal review process that employs the Accommodations Panel.
- Testing with Accommodations are available only for students with documented Individualized Education Programs (IEPs) or Section 504 Plans. However universal tools and designated supports are available to all students.
- To ensure that Test Administrators have access to the most current information, quarterly updates to the Accommodations Tables are made available on ODE's Web site.

Modifications

- Any change away from a standard administration that is not listed in the Accommodations Tables is considered a Modification. A Modification is any practice or procedure that compromises the intent of the assessment through a change in the learning expectations, construct, grade-level standard, or measured outcome of the assessment that is not authorized explicitly by the Oregon Accessibility Panel and listed in the state's Oregon Accessibility Manual (OAM). A student's IEP team may sometimes elect to use a Modification to allow a student to participate in an Oregon Statewide Assessment with his or her peers.
- Assessments taken under any modified condition are counted as non-participants in all state and federal accountability measures and reports.
- In order for a student's scores to count toward participation in an Oregon Statewide Assessment, IEP teams are instructed by IDEA to select for each

assessment only state-approved Accommodations which do not invalidate the score of the assessment.

Extended Assessment

- The Extended Assessments are Oregon's alternate assessments. The Extended Assessments are individually administered performance assessments for students with the most significant cognitive disabilities as determined by the student's IEP team.
- These students are typically working within a specialized curriculum and/or are receiving instruction that has been significantly adapted in order to allow access to grade-level content.
- Extended Assessments measure a student's achievement in the grade-level content in four subject areas: Reading, Writing, Mathematics, and Science. Student achievement is judged against alternate achievement standards that are set by the state.
- Students on IEPs should only be considered for the Extended Assessments when they are unable to participate in the general assessments under standard testing conditions, even with Accommodations.
- To use this option, an Extended Assessment must be explicitly identified on the IEP as the most appropriate assessment.
- Test Administration and Security Training must be completed by any individual administering the Extended Assessment. This is a state-approved Extended Assessment Qualified Assessor (QA) or Qualified Trainer (QT) Training.

FAPE and Least Restrictive Environment

Free Appropriate Public Education (FAPE) and Least Restrictive Environment

- Federal and State regulations require that students have access to a free, appropriate public education (FAPE) in the least restrictive environment (LRE). Restrictiveness is determined by the degree to which a placement removes a student from the typical regular education classroom in the student's home school, or school of choice.

- When determining a student's placement, it is imperative that the placement allows for the highest degree of success in the educational setting while at the same time promoting the greatest opportunities for independence and development of personal responsibility for fulfillment of classroom expectations. Sometimes this means a student will require specially designed instruction for a period of time in the Resource Center, or with a related service provider. Sometimes this means a student will require some extra adult assistance within the regular education setting along with Resource Center support. Other times, students require a self-contained or significantly restrictive alternative placement to gain benefit from their educational program. Deciding whether a student needs to have an instructional assistant should not be taken lightly.

Guidelines and tips for supporting student independence

- The ultimate goal is for all students whether disabled or not, to learn routines, procedures and expectations of the classroom culture so they can function independently at the highest possible level of success. The following is a cueing hierarchy to consider whether supports provided are the least intrusive as possible.
- Most to least intrusive:
- Full physical
- Partial physical
- Verbal prompt
- Visual prompt
- Modeling
- Natural teacher prompt/cue
- Guidelines for effective cueing:
- Do not provide a prompt for a skill that a student currently performs independently.

- Gain student attention
- Prompt a desired response initially
- Use the least intrusive effective prompt
- Prompt from behind when using full physical prompts
- Avoid verbal prompts whenever possible
- Avoid unplanned prompts (e.g. facial expressions, eye contact)
- Use prompts in conjunction with reinforcement
- All prompts need to be faded over time (Refer to Fade Plan)
- After a student masters a skill, discontinue using the prompt
- Continue providing reinforcement when the student exhibits the desired response/behavior
- Fading prompts are needed to avoid “Prompt Dependency”

Fading Prompts

- Fading prompts: Allows students to change from responding to instructional prompts to responding to natural cues in the environment.
- Fade prompts to allow responses to occur independently!
- The reduction of the intensity or magnitude of a particular type of prompt over time while maintaining the reward contingency.
- Prompts can be faded in terms of:
 - Intensity

- Location
- Intensity:
- Verbal prompt: Gradual decrease in volume (quietly)
- Verbal prompt: Saying less of the word (Bob – “B”)
- Visual prompts: Decrease highlighting or coloration to become lighter and lighter until they disappear
- Physical prompt: Reduction of light hand over hand to shadowing
- Location:
- Full physical hand over hand to wrist, to the elbow, to the shoulder, to next to (within 1 foot, to 3 feet, to 5 feet away, etc.)
- Proximity to student: next to student, within line of vision within the classroom, etc.

Grading Special Education Students

Elementary School

- Grades earned by elementary Special Education students reflect the implementation of the accommodations and modifications indicated in a student’s IEP.

- The IEP team determines the type and nature of accommodations and modifications necessary for a student's success.
- Grade reports reflect a reference to the performance and progress noted on the IEP progress report through a Modified Grade marking (M). All students on IEPs will also have attached to the report card, the progress report for IEP goals worked on during that grading period.

High School

- High School students can earn both regular and modified letter grades.
- A student's IEP must indicate if grades will be modified.
- The IEP team determines the accommodations and modifications necessary for the student's success.

The general education teacher with consultation from the school administrator and special education teacher determines if the degree of curricular modification required will meet the minimum standard for earning a regular grade. If it is determined that the degree of modification does not meet the minimum standard, the student will earn a modified grade. If that determination is made and the student's IEP does not indicate the grade will be modified, the IEP team must meet to revise the IEP as appropriate.

- Modified grades must be coded with an "M" after the course description on the student's transcript.
- Students who receive modified grades in any course required for graduation will receive a modified diploma. "Modified diplomas reflect modified curriculum as based on the individual student's IEP and Transition Plans. Students can earn a regular diploma if they earn regular grades in replacement classes that meet the graduation requirements (i.e. a modified English class can be replaced by an approved class that will meet the graduation requirement). In some cases a modified course can prepare a student to take the regular class with success at a later time. Parents and students must be made aware that students can complete High School on a different timeline through the year a student turns 21 and receive a regular diploma if they have met the required criterion.

- A student's IEP must indicate the type of diploma the student is currently working toward on the Consideration of Special Factors page under Transition Services: Graduation.
- The following diploma options are available:
 - Regular Diploma (The Oregon Diploma)
 - Modified Diploma
 - Extended Diploma
 - Alternative Certificate

Modified Curriculum

Curriculum is considered modified when the individualized changes made to the curriculum are substantial, falling below the minimum content or standard for which a student can earn a regular grade. These substantial modifications are made to provide student opportunities to participate meaningfully and productively in general education learning experiences and environments.

Failing Grades

When a student on an IEP is failing one or more classes, the IEP team will convene to review the IEP and determine whether there are accommodations, modifications and/or supplementary services needed to support the student's academic progress.

- The Prior Written Notice of Special Education Action and Meeting notes will be used to document decisions, and factors relating to student failure to succeed.
- An IEP revision will be completed if determined necessary to ensure students receive FAPE.

Transfer Students

High School Students who transfer into the district with modified course work on their transcripts will require an IEP team review meeting to share with parents the Rainier School District Modified Diploma plan, and ensure there is full understanding about the diploma plan for their student. This meeting will require documentation of the meeting and the decision with parent signature.

Diplomas and Certificates Staff Guidance

The Oregon Administrative Rules provide that school districts shall award a diploma to students upon fulfillment of all state and local district credit competency, and attendance requirements. The standards also allow the granting of an alternative document identifying acquired minimum competencies to students having met some, but not all graduation requirements. All members of a graduation class, whether they receive a standard diploma or an alternative document, are allowed to participate in commencement exercises and receive the appropriate document in that ceremony.

The Rainier School District awards the following diplomas and certificates:

- Standard Diploma
- Modified Diploma
- Extended Diploma

Who may earn the following Diplomas?

The Oregon Diploma

- All Students who have demonstrated the ability to meet the full set of academic content standards may earn the Oregon Diploma. Students must meet Essential Skills and Personalized Learning requirements; complete the Education Plan and Profile, Extended Applications and Career Related Learning experiences and standards.
-

Modified Diploma

- Students who have demonstrated the inability to meet the full set of academic content standards even with reasonable accommodations but who fulfill all state requirements and all applicable local school district requirements as described in district school board policies or public charter school requirements as described in school policies:
 - Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers inherent in the student; or
 - A documented history of a medical condition that creates a barrier to achievement.

NOTE: Failure to meet the requirements for an Oregon Diploma does not automatically make the student eligible for a Modified Diploma. Students must meet the full set of eligibility criteria listed above in order to receive a modified diploma.

IDENTIFICATION PROCESS

Modified Diploma

A school team, including the parent(s) or guardian of the student, will be responsible to decide if a student will work toward obtaining a regular diploma or modified diploma. A Modified diploma is not a default graduation option.

Step 1: NOTIFICATION OF OPTIONS

- All families will be provided information about diploma and certificate options beginning in the spring of the Middle school year and each year thereafter as part of registration materials.
- Middle and High School websites will contain information on diploma and certificate options.
- Registration materials such as education planning guides will include information on diploma and certificate options.

Step 2: REFERRAL

- If a student is on an IEP or 504 plan, the consideration for a Modified diploma must be made at the time of developing the plan or at the time of re-evaluation.
- If a student is not on an IEP or 504 Plan, but an educator or parent/guardian believes the student meets the criteria to be considered for a Modified diploma, a referral form may be submitted to the Student Services Director to initiate the gathering of information and the creation of a decision making team.

Step 3: IDENTIFYING A SCHOOL DECISION-MAKING TEAM

- The Decision-Making Team for a student on an IEP is the IEP team.
- The Decision-Making Team for a student on a 504 Plan is the 504 Team.
- The Decision-Making Team for a general education student must include the parent(s) or guardian. The team should also include any educator familiar with the relevant educational record of the student and may include general education teachers, counselors and administrators.

Step 4: IDENTIFICATION PROCESS

- The school team shall decide that a student should work toward a modified diploma, no earlier than the end of the 6th grade and no later than 2 years before the student's anticipated exit from high school.
- The Decision-Making team will review relevant data, including:
- Transcript grades and attendance record;
 - Longitudinal data including statewide assessment benchmarks across multiple subjects;
 - If appropriate, the student's current IEP indicating goals and objectives that do not meet minimum graduation requirements/expectations.

- Evidence that the majority of the student's course requirements has been or will be substantially revised/Extended resulting in Extended grades for the coursework completed.
- Evidence that the student needs primary learning experiences designed to teach functional living and employment skills.
- Participation in alternate assessments.
- Other
- At this point a student may be in one of three categories:
 - Meeting eligibility criteria
 - Needs further consideration
 - Not meeting eligibility criteria
 - Meeting Eligibility Criteria

The student is eligible if documented history supports that the student has an inability to maintain grade level achievement due to significant learning, instructional and/or assessment barriers inherent in the student OR has a documented history of a medical condition that creates a barrier to achievement.

- Needs further Consideration

It may be determined that a decision should be delayed based on inconclusive evidence that a Modified diploma is in the best interest of the student. Further data will be collected and a future date will be set to make a determination.

- Not Meeting Eligibility Criteria

The student will not be considered eligible if the team reviews all available data and determines that the student does not meet the district's criteria for a modified diploma.

STEP 5: EDUCATION PLAN including MODIFICATIONS

Once a student has been found eligible for a modified diploma, the student's education plan must be written to indicate agreed upon modifications.

- Modifications may include:
 - Enrollment in courses specifically identified as extended.
 - Enrollment in general education courses where coursework, assessments and grading practices are significantly extended.

The education plan including intended modifications must be shared with all teachers of the student.

- To receive a modified diploma, students must successfully complete at least 24 credits of required courses as defined by district policy and administrative rule. (IKF and IKF-AR)

STEP 6: ANNUAL REVIEW AND REVISION OPTIONS

After students working toward a modified diploma have completed the eighth grade, the decision-making team must review progress annually with the parent or guardian of the student as well as the student.

At any time as is appropriate, the student's school team may formally decide to revise a modified diploma decision. Revisions may include:

- Changing the student's education plan to enable them to achieve a standard diploma;
- Adjusting necessary modifications to the current education plan;
- Changing the student's education plan from a standard diploma to a modified diploma if the documented history of the student has changed.

STAFF GUIDANCE FOR MODIFIED DIPLOMA

At the beginning of each semester, you will be provided with the names of students currently in your classes who are working towards a modified diploma. Please be aware of the following guidelines for these students:

- Each student's counselor (for non-IEP students) or case manager (for IEP students) will serve as his/her Modified diploma manager. Please contact the Modified diploma manager if you have any questions regarding a student.
- Modified diploma students are required to earn 24 credits to graduate. The modified diploma manager will review other Rainier School District graduation requirements to determine what the student will be expected to complete.

- Students working towards a Modified diploma may complete their studies in regular classrooms, in resource rooms, or in other alternative learning environments.
- The Modified diploma manager, IEP team and teachers shall consider student interests, work habits, attendance, skills, individual effort and post-high school plans (if known) when making decisions about:
 - The selection of appropriate courses necessary to earn required credits;
 - The modification of course content, curriculum and expectations; and
 - The evaluation of student performance.
- Students working towards a Modified diploma may receive modifications in course content, curriculum and performance expectations. Classroom teachers, with the agreement of the Modified diploma manager and/or the IEP team, shall determine appropriate work products to be completed and performance expectations to be met. Students working towards a Modified diploma may receive a Pass/No Pass or letter grade. The Modified diploma manager, in consultation with the student, classroom teachers and the IEP team, will make this decision.
- IEP teams will determine what cut scores should be set for a student who will be working toward a modified diploma and will need modified essential skills using the following steps:

Step 1: complete a thorough file review

Step 2: compile the student's scores on past statewide assessments

Step 3: Based on past scores, determine a reasonable target score. Document in the Present Level of Performance of the IEP.

Step 4: Remediate with the objective of meeting the target score

Step 5: If the student does not achieve within the assigned score, provide additional remedial instruction and have the student test again.

Step 6: If after 3 tries, the student has not achieved the target score, consider using a work sample as an alternative.

Transition

Transition Services

Transition Services are provided to Special Education students between the ages of 16 and the school year in which they turn 21. These services are designed to prepare students for further education, employment and independent living. Transition goals are set according to the following criterion:

- Measurable Postsecondary goals
- Post-Secondary goals must be based on age-appropriate transition assessments;
- The purpose of transition assessments is to:
 - Help students make a connection between their individual and academic program and their post-school ambitions.
 - Develop realistic and meaningful IEP goals
 - Make instructional programming decisions
 - Provide information for the Present Levels related to the student's Preferences, Interest, Needs, and strengths (PINS)
 - Learn about student career ambitions
 - Inform the Summary of Performance
- Formal and Informal Transition assessments may be obtained using the following suggested tools:
 - Formal Transition Assessment
 - Adaptive Behavior/Daily Living Skills
 - General and Specific Aptitude Tests
 - Interest Inventories
 - Intelligence Tests
 - Achievement Tests
- Temperament Inventories/Instruments
 - Career Maturity or Employability Tests
 - Self-Determination Assessment
 - Transition Planning Inventories

- Informal Transition Assessment Methods
 - Interviews and questionnaires
 - Direct observation
 - Curriculum-based assessments (CBA)
 - Environmental analysis
- Measurable Postsecondary goals cover, as appropriate, education or training, employment, and, as needed, independent living.
- The following criteria are used to determine whether post-secondary goals are appropriate and/or have been met:
 - Education/training, employment, independent living AFTER leaving school
 - Based on Preferences, Interests, Needs and Strengths (PINS)
 - Measurable behavior/action goal accomplishment
 - Timeline for completion
 - Continuous progress
 - A clear completion of the goal
 - Can be combined into one all-inclusive goal or two or three separate goals

Postsecondary Education/Training Goals – General Examples

- 4-year college or university
- Community college or Vocational technical school
- Occupational Skills Training Program
- Adult Basic Education program
- A high school completion document (GED)
- Continuing Education (Community College)
- Short-term education or employment training program (WIA, Job Corps, OJT)
- Employment-based training program aimed at job maintenance or advancement
- Employability training at a Community Rehabilitation Program
- Web-based education program
- Self-directed learning activities based on individual preferences, interests, and needs
- Postsecondary Employment Goals – General Examples
 - Full-time or part-time supported employment
 - Employment through a mobile work crew or enclave
 - Employment through a community rehabilitation program (sheltered)
 - Volunteerism or community service work or other productive vocational activities

Independent Living Postsecondary Goals – General Examples

- Living at home with parents or relatives
- Living independently in a house or apartment
- Group Home
- Supervised Apartment Living
- Alternative Family Living
- Domiciliary Care Home
- College Dorm
- Financial Management

Annual IEP Goals:

- Are annual IEP goals designed to reasonably enable the child to meet post-secondary goals?
 - For each post-secondary goal there must be at least one annual goal, based on present levels, included in the IEP that will help the student make progress towards the post-secondary goal.

Transition Goals on the IEP

- Initiating Transition Services: Beginning not later than the first IEP to be in effect when the student is 16 and updated annually thereafter, the IEP must include the transition services (including courses of study) needed to assist the student in reaching the post-secondary goals. In situations in which the student is turning 16 during the duration of the IEP and updated annually thereafter, the IEP team may want to address these issues at the time of the annual review rather than meeting again before the student turns 16.
- Course of study: The student's course of study, which must be updated annually, should relate directly to the student's 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 II, all industrial arts classes that focus on engineering in construction fields, and community work experience"; "college preparation courses"). The course of study statement should address the classes, experiences, 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. 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 and activities such as vocational education courses or work experience.
- Transition services include courses of study that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school

- Must be updated annually
 - Help student meet his post-secondary goal
 - Reflect multi-year coursework (series of courses)
 - Address classes, experiences, and activities
 - Motivate the student to complete his education
 - Support post-school outcomes.
- Transition Services/IEP goals: 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 postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.
- The IEP team must indicate the services that are addressed in the IEP (e.g., instruction, community experiences, employment and other post-school adult living objectives, daily living skills, and/or functional vocational evaluation, if appropriate).
- For each postsecondary goal there must be an annual goal, based on present levels, included in the IEP that will help the student make progress towards the postsecondary goal.
- Transition services in the IEP focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.
- Transition IEP goals must be:
 - A type of instruction,
 - A related service,
 - A community experience,
 - Development of employment
 - Post-school adult living training
 - Instruction for acquisition of daily living skills
 - Provision of a functional vocational evaluation
 - Be written in such a way that it associates with meeting the post-secondary goals.
- General Examples of Transition Services
- Instructional support of guided notes for lesson
- Audio-taped texts for English 12
- Instruction related to social skills in a work setting
- Assistive technology services to increase use of voice output device
- Physical therapy to improve independent ambulation

- Job shadowing in a food services environment
- Other Agencies: For transition services that are likely to be provided or paid for by other agencies, representatives of the agencies must be invited to the IEP meeting?
- Case managers are responsible to ensure representatives of the following agencies are invited to participate in the IEP development, as appropriate:
 - vocational education,
 - integrated employment (including supported employment),
 - Continuing and adult education,
 - Adult services, independent living or community participation.

Summary of Performance

Instructions to Complete Summary of Performance

Purpose:

The Summary of Performance (SOP) is required under the reauthorization of the IDEA 2004. The language as stated in IDEA 2004 regarding SOP is as follows:

For a child whose eligibility under special education terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility, the local education agency “shall provide the child with a summary of the child’s academic and achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s post-secondary goals”

IDEA 2004 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 certificate. ODE recommends that school districts provide a Summary of Performance for these students also.

The Summary of Performance with the accompanying documentation is important to assist the student in the transition from high school to higher education, training and/or employment. This information is necessary under section 504 to help establish a student's eligibility for reasonable accommodations and supports in post-secondary settings. It is also useful for Vocational Rehabilitation Comprehensive Assessment process. The information about students' current level of functioning is intended to help post-secondary institutions consider accommodations for access. These recommendations should not imply that any individual who qualified for special education in high school will automatically qualify for services in the post-secondary education or the employment setting. Post-secondary settings will continue to make eligibility decisions on a case-by case basis.

The SOP is most useful when linked with the IEP process and the student has the opportunity to actively participate in the development of this document.

The SOP must be completed during the final year of a student's high school education. The timing of completion of the SOP may vary depending on the student's post-secondary goals. If a student is transitioning to higher education, the SOP with additional documentation, may be necessary as the student applies to a college or university. Likewise, this information may be necessary as a student applies for services from state agencies such as vocational rehabilitation. In some instances, it may be most appropriate to wait until spring of a student's final year to provide an agency or employer the most updated information on the performance of the student.

Summary of Academic and Functional Performance:

This section includes two critical areas: Academic and Functional levels of performance. Next to each specified area, please complete the student's present level of performance and the accommodations, modifications and assistive technology that were essential in high school to assist the student in achieving progress. Please select

fields that pertain to the individual student. Select the “other” field for areas not applicable to the student.

An Accommodation is defined as support or service that is provided to help a student fully access the general education curriculum or subject matter. Students with impaired spelling or handwriting skills, for example, may be accommodated by a note-taker or permission to take class notes on a laptop computer. An accommodation does not change the content of what is being taught or the expectation that the student meet a performance standard applied for all students.

A Modification is defined as a change to the general education curriculum or other material being taught, which alters the standards or expectation for students with disabilities. Instruction can be modified so that the material is presented differently and/or the expectations of what the student will master are changed. Modifications are not allowed in most post-secondary education environments.

Assistive Technology is defined as any device that helps a student with a disability function in a given environment, but does not limit the device to expensive or “high-tech” options. Assistive technology can also include simple devices such as laminated pictures for communication, removable highlighter tapes, Velcro and other “low-tech” devices.

The completion of this section may require the input from a number of school personnel including the special education teacher, regular education teacher, school psychologist or related services personnel. However, the case manager is responsible for gathering, organizing and completing the information required on the SOP.

■ **Summary of Student’s Academic Achievement and Functional Performance:**

Academic Performance:

- Reading includes:
 - Basic reading/decoding
 - Reading comprehension

- Reading speed
- Math includes:
 - Calculation Skills
 - Algebraic problem solving
 - Quantitative reasoning

Language includes:

- Written expression
- Expressive and receptive language skills
- Speaking
- Spelling

Functional Performance:

Independent Living Skills includes:

- Self-care
- Leisure skills
- Personal safety
- Transportation,
- Banking
- Budgeting
 - Self-Determination/Self-Advocacy includes:
 - Ability to identify and articulate post-secondary goals
 - Learning strengths
 - Needs

Self Management includes:

- Interactions with teachers/peers
- Level in initiation in asking for assistance
- Responsiveness to services and accommodations
- Degree of involvement in extracurricular activities
- Confidence and persistence as a learner
- Class participation
- Note taking
- Keyboarding
- Organization
- Homework management
- Time management
- Study skills
- Test-taking skills

- Career (Vocational/Employment) includes:
 - Career interests
 - Career exploration
 - Job training
 - Employment experiences
 - Career supports

Student's Post-secondary Goals:

List the student's immediate (within the first several years) post-secondary goals from the student's most current IEP. Answer the THREE BIG QUESTIONS:

- What does the student want to DO beyond high school (post-secondary education, employment, military)?
- Where and how does the student want to live?
- How does the student want to take part in the community (transportation, recreation/leisure)?

If employment is the primary goal, what are the top three job interests? Specify job interests NOT long-term career goals.

Recommendations to assist the student in meeting post-secondary goals:

This section should present suggestions for accommodations that enhance access in a post high school environment including higher education, employment, independent living, and/or community involvement:

- Adaptive devices
- Assistive services compensatory strategies
- Collateral support services

Only complete those areas relevant to the student's post-secondary goals.

Transfer of Rights

Transfer of Rights at Age of Majority- for school districts and families

In Oregon, a person reaches the “age of majority” at age 18. Oregon Administrative Rule (OAR 581-015-0102) presumes that at age 18 individuals are capable of decision-making in all areas of life, including education. Under federal and state laws, procedural safeguard rights transfer from the parent to the student when the student reaches the age of majority. This is called the “transfer of rights”. At least one year before the student’s 18th birthday, districts must notify parents and students that the rights will transfer, and notify them again at the time the rights actually transfer. Use Notice of Transfer of Special Education Rights letter.

Transfer of Rights Requirements

- What Rights Transfer to the Student?
- The student will receive the written notice for all meetings and will be invited to attend all meetings. The student may invite his/her parents or other individuals to attend meetings.
- The student has the right to participate in all meetings where decisions are made about the student’s eligibility, special education services, and placement. The student will participate with the team in making educational decisions.
- The student will receive prior written notice of important decisions or changes related to his/her eligibility, evaluation, IEP, or placement before those decisions are put into place. The student also has the right to prior written notice if the district refuses the student’s request to take these actions.
- The student has the right to review his/her educational records.
- The student has the right to request changes to or meetings to review: his/her identification, evaluation, individualized education program (IEP), or placement.
- When consent is required; the school district must ask the student for consent rather than the parent.
- The student has the right to ask questions and to ask for help in solving problems. The student also has the right to file a complaint, request a due process hearing, and to participate in voluntary mediation regarding special education services he/she receives.

What Rights Do Parents Keep? (After the Rights Transfer to the Student?)

- Parents have a right to receive notice of educational meetings, however, the IEP meeting notice is not an invitation to attend the meeting. The student or the district may invite the parent to participate on the IEP team as someone

“with special knowledge” about the student. If the parent is invited by the school district to participate in the meeting, the parent’s name will be listed on the meeting notice as one of the participants.

- Parents will receive copies of all Notices of Special Education Action, such as notice of change in placement, or notice that services will be terminated.
- Parents may have the right to review their child’s school records, if the student qualifies as a tax dependent and is claimed by the parents.
- Parents who disagree with IEP team decisions may file a letter of complaint as a concerned citizen.

Alternative to the Transfer of Rights

- Oregon law provides two alternatives to the transfer rights-the appointment of a surrogate parent by the school district at the student’s request, or through a court appointed guardianship.
- Case managers will contact the Student Services Director for current information and procedures on completing this process should this need arise.

Surrogate Parents Procedure

Procedure for Special Education Surrogate Parents

IDEA requires that a public agency must assign a Surrogate Parent for: CHILDREN WHO HAVE OR WHO ARE SUSPECTED OF HAVING A DISABILITY AND MEET ONE OF THE CONDITIONS BELOW.

- A “Surrogate Parent” is a person who stands in for the parent and makes decisions about the child’s education. A “parent” is the child’s natural or adoptive parent, legal guardian other than a state agency, or a person acting as a parent (e.g., child living with relatives).

Rainier School District Staff Determines the Need for a Surrogate Parent

A parent may give consent for a surrogate to be appointed when:

- A parent does not wish to participate, or circumstances clearly make it not feasible for the parent to participate in protecting the special education rights of the child; or
- The parent lives at such a distance from the child's educational placement that it is not practical to participate in protecting the special education rights of the child.

The public educational agency must appoint a surrogate parent when:

- The parent cannot be identified or located (after reasonable efforts to document efforts to locate a parent or guardian); or
- The child is a ward of the state (to determine this, contact the person/agency who enrolled the child).

Maintain written consent (either your dated notes of a conversation with the parent, or the parents written notice to you) copy to be placed in the student's file

Rainier School District Staff Note:

- When a parent requests that a surrogate be appointed, the parent retains all parental rights to receive prior written notices and the information provided to the surrogate parent.

Extended School Year Services

Extended School Year Services (ESY)

The Purpose of Extended School Year

Extended school year services are provided if the child's IEP Team determines, on an individual basis, that the services are necessary for the provision of a FAPE. Extended School Year services mean special education and related services that are provided to a child with a disability beyond the normal school year in accordance with the child's IEP, and are provided at no cost to the parents of the child.

"Extended School Year" (ESY) services are typically provided during times when school is not normally in session to help eligible students maintain skills that are related to their Individual Education Plan goals and objectives, and when such services are necessary for the student to receive a FAPE. ESY is designed to maintain skills for a student who may otherwise suffer significant regression and require excessive time to recoup lost skills. Regression and recoupment are primary factors used to determine if a student is eligible for ESY services. Other factors may be considered according to the professional judgment of the team. These may include emerging skills and breakthrough opportunities, and can use retrospective and predictive data/judgments. ESY services are not the same as summer school, and should not be described as such.

What is "regression" and "recoupment"?

- "Regression" means that, after a school break, a student loses more skills that would be expected of most students.
- "Recoupment" means that, after a school break, a student takes significantly longer to relearn skills than is expected of most students. Some standards indicate measuring recoupment time from six to nine weeks following an extended break from instruction to determine ESY eligibility.

Extended School Year Services are not:

- Summer school (although ESY services may at times be provided in such a setting);
- To provide extra educational services--ones that would not otherwise be put on the IEP;
- To increase the student's skill level from what it was at the end of the school year;
- To teach new or different skills;

- To provide families summer activities for their children
- Required or intended to maximize educational opportunities for any student with disabilities.
- To assist families with child care needs;
- Services provided because it would be "good" or "nice" for the student
- It is not for those students with disabilities who exhibit regression, which is solely related to medical problems resulting in degeneration, or transitional life situations such as divorce or death of a family member. This type of regression is not due to the interruption of summer vacation.
- It is not required solely when a child fails to achieve IEP goals and objectives during the school year.
- It is not to provide a child with education beyond that is prescribed in his/her IEP goals and objectives.

The purpose of ESY services is the maintenance of the child's learning skills or behavior, not the teaching of new skills or behaviors. The District has established criteria for determining the need for ESY services. Criteria must include regression and recoupment time based on documented evidence or, if no documented evidence, on predictions according to the professional judgment of the team.

The IEP Teams may not limit ESY services to particular categories of disability or limit the type, amount, or duration of those services

ESY may include any such areas from an individual student's IEP.

For example:

- Self-management (self-help)
- Communication (speech and language)

- Motor development
- Social-emotional development
- Vocational Skills
- Behavioral Skills
- Academic Skills
- Regional services as appropriate:
 - Orientation and mobility training
 - Braille
 - Assistive Technology

Considering Participation in ESY

The IEP team must apply a set of criteria and follow established guidelines in considering students for participation in extended school year services and determining the extent of services to be provided. The IEP team must review and consider information gathered in all of the following areas before determining participation.

- The severity of a student's disability;
- The student's rate of progress;
- The areas of the student's curriculum that need continuous attention;
- Emerging skills or breakthrough opportunities that would be lost without ESY services
- The student's vocational needs;
- The nature of services needed

Who May Be Eligible for ESY?

Any school aged student, through age 21, who has not yet been awarded a standard high school diploma, and who is identified under the ADA/IDEA, may be eligible for ESY services. At least once a year, as part of the annual IEP meeting the student's IEP team must consider if the student meets the eligibility criteria for receiving ESY services.

Extended School Year (ESY) Services Determination Procedures

ESY consideration is part of the IEP process for all students with disabilities. However, not all students with disabilities will be determined to need ESY services. The IEP team

must use the district procedures and criteria to determine whether there is a need for ESY services as part of the annual IEP process.

- If an IEP team member makes a judgment that ESY services may be appropriate for a student and current recoupment/retention data relating to the student's IEP goals is not available for decision making, an IEP meeting must be scheduled after data has been gathered. An ESY Data Determination Form shall be completed.
- If all IEP team members are in agreement that the student does not qualify for ESY services and ESY is not to be considered at a later date in the school year, the ESY Data Determination Form does not need to be completed.
- Preparation for an IEP meeting includes gathering student data to inform the team's decision regarding ESY services. The case manager should use the Worksheet for Extended School Year to prepare this information for the team. The case manager may also want to consider inviting the district special education administrator to the IEP meeting. This individual would assist the team in determining whether there is a need for ESY services.
- The IEP team must determine a student meets one or more of the following criteria in order to determine a need for ESY services:
 - There is documented evidence that after an expected and reasonable period of time (i.e. six to nine weeks depending on the student's typical learning progression), student performance regressed significantly and/or the student failed to recoup previous performance toward IEP goals.
 - **The student's disability is severe** (determined by degree of severity, not by category of disability), and there is documented evidence that the student's rate or slope of progress is very minimal, despite a variety of documented, well planned interventions. Excluded in this criterion are students who are experiencing lack of progress due to other factors such as illness, frequent absence, disruption in his/her life, etc
 - Additional factors that are well documented, such as the student's need for peer interaction, loss of emerging skills or breakthrough opportunities, and vocational needs, may also be considered when making an ESY determination.
- If ESY services are offered, the services should be documented on the appropriate page of the IEP. If parents reject the offer, a prior written notice shall be completed to document the rejection.

It is important for the IEP team to remember that the purpose of ESY is to maintain skills, not to introduce new skills or increase achievement levels. The team must tie ESY services directly to one or more goals on the student's IEP. If the IEP team

determines a need for ESY services, the specific service(s) and the amount of services must be determined and documented on the service summary page of the IEP. In addition, a copy of the completed *Worksheet for Extended School Year* must be attached to the IEP and the original sent to the Student Services office along with the complete IEP paperwork.

Data Collection

Data collection regarding regression/recoupment must be taken for any student for whom ESY is being considered or is marked yes on the IEP document. This data collection must be documented on the Extended School Year Data Determination Form. Data collection is taken just prior to major school breaks such as summer, winter and spring breaks, and then again within at least six weeks following the break.

- If a student shows no regression or makes adequate recoupment of skills after a reasonable period as stated above, the student does not qualify for ESY.
- As part of the provision of a FAPE to a student, the district is obligated under law to provide ESY services if deemed necessary by the IEP team. However, there may be situations when the parent chooses not to have the student participate. Factors such as family vacations, summer residence with an out-of-state parent, family preference to participate in an alternative educational program, or family preference simply not to participate in ESY could interfere with the student receiving ESY services.
- If a parent indicates for any reason their intent to reject ESY services for their child, document this on the in a prior written notice of Special Education Action. Notify Student Services so that a stand ready letter may be prepared for the parents.
- The Student Services office needs time each year to plan for staffing, staff training, and provision of services. ESY service providers need time to plan specific instruction for students. Please be sensitive to these needs and make every effort to have all paperwork into the Student Services office by April 15 of each year. Please prepare a tentative list of probable eligibility for ESY prior to spring break.

Case Manager Duties for ESY

Case managers who have determined a student is eligible for ESY services, must prepare the following in the spring:

- Information for district staff responsible for ESY regarding the needs of students on your caseload, including the need for related services;
- Materials and data recording sheets specific to the content areas that will be addressed through ESY.
- Collaborate with the ESY teacher who will be working with your student(s) to develop an appropriate ESY program.

Note: All Learning Specialists who have a child on their caseload who will be receiving ESY services must meet with the child's ESY teacher to provide child specific information, most current IEP, ESY materials (if appropriate), behavior support plans, and any additional protocols that will be needed by the ESY team to implement IEP services. Use the "sign-off" section below to document that this has occurred. The completed form must be presented to Student Services for both the Learning Specialist and ESY teacher by April 15. (Page may be duplicated as needed).

You will also need to complete the following activities in the fall:

- Review the report you receive from the ESY teacher concerning the student's participation and progress in the ESY program;
- Consider information provided by the ESY teacher when planning the student's program for the coming year;
- File the ESY report in the student's Working File.
- Take data on the student's performance to see whether the student actually progressed with ESY services and to determine whether the amount and type of services were adequate.

Facilitating the decision making process:

- Keep in mind:
 - The purpose of ESY is maintenance of the child's learning skills or behaviors related to the IEP goals – not the teaching of new skills or behaviors.
 - Most students, disabled and non-disabled, regress when there is a long break in schooling and take some time to recoup lost skills or behaviors when school is resumed. ESY services are provided to mitigate severe regression and/or significant difficulty in recoupment of skills that result from a break in school.
 - "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.
- Criteria for ESY eligibility MUST include regression and recoupment data, preferably as it relates to summer break. Winter or spring breaks do not usually provide a significant enough time period of interruption in school services to be meaningful in determining the need for ESY services. However, if data for summer break is not available, then regression and recoupment data related to winter and spring break may be considered by the team. When collecting regression and recoupment data, the following standards must be used:
 - Performance over time (as opposed to single data points) must be used. For example, when documenting student performance on weekly CBM reading probes, scores for the month prior to and after the break would be the minimum time frame to consider.
 - Data is collected and the need for ESY is determined based on specific IEP goals.
 - It is important to differentiate between regression with a lack of recoupment and data that reflect erratic student performance. (i.e., big swings in performance both prior to and after the break)
- Additional factors that may be considered include:
 - The child’s rate of progress (in comparison to other students with disabilities)
 - Emerging skills or break-through opportunities that have recently occurred and would be lost without ESY services

Completing the ESY Worksheet

- Plan on addressing ESY at the annual IEP meeting if at all possible. There is rarely a need to schedule a special IEP meeting for the sole purpose of ESY consideration.
- The worksheet is designed to be used at an IEP meeting, though it is suggested that case managers collect, organize, and complete an initial analysis of the regression/recoupment data prior to the meeting.
- The regression and recoupment data section is required in all cases.
- The “Other Factors to Consider” section may be used for students whose regression and recoupment data did not validate the need for ESY. While more than one may apply to a given student, the team is required to document the need for ESY through just one of these factors (rate of progress or break-through opportunities).

- Thorough documentation and explanation of the team’s thinking is required. Insufficient information on the worksheet (such as simply writing, “His disability is very severe”) will result in the team having to hold a second meeting to determine the need for ESY.
- The “Determination of Services” section is required for all students. When determining “level and type” of service, keep in mind:
- ESY is not intended to deliver services at the same level as during the school year.
- Generally, ESY service levels are 30%-50% of those during the school year. For example, if a student receives specially designed instruction in reading for 5 hours per week during the school year, a typical ESY program would be 1.5 to 2.5 hours per week.
- Typically the ESY program lasts 2-5 weeks, though individual students may require more or less time during the summer. The IEP team makes this determination.
- The team should not designate the size of the instructional group or number of days per week. Simply indicate the amount of time per week and number of weeks.
- If a student had ESY services during the prior summer, carefully consider regression/recoupment data in light of the ESY program provided. The student’s performance will help the team determine whether the prior year’s levels of services were adequate (if limited regression and recoupment happened within 6 weeks of school resuming), inadequate (if regression was significant and recoupment was not achieved within 6-9 weeks of school resuming), or more than necessary (the student had little or no regression or actually made gains in skills or behaviors targeted in ESY).

The following documents MUST be submitted to Student Services prior to a student being added to the ESY service provision list:

- A completed ESY Worksheet
- All protocols (behavior, medical, safety)
- Copy of the IEP with goals/objectives to be addressed during ESY highlighted
- Note: Student Services staff will arrange transportation services.

Prior Notice of Special Education Action

- Prior Notice of Special Education Action is completed providing notice to the parent that ESY services will or will not be provided for any child who was considered and determined yes or no.

- If a parent or guardian requests ESY services and the IEP team determines the student does not require ESY services, notify the Director of Student Services
- For students who are eligible to receive ESY services, it is the case manager's responsibility to inform the parents that:
 - ESY is designed to maintain skills only during times when school is not regularly in session unless eligibility is due to other factors such as chronic, serious illness where the IEP team may make an alternative decision about service delivery.
 - Bus route information will be provided by the bus company 1-2 weeks prior to the start of the program.
 - All Learning Specialists who case manage a child who has been determined to need ESY services must also complete the sign-off document.

Student Incident Reports

This is a clarification of when to complete the Student Incident Report. The following parameters are to be used in determining when a report needs to be completed for Challenging Behaviors.

Challenging behaviors are defined in the following context:

- Does the behavior represent a risk to health or safety to self or others?
- Is the behavior likely to continue to become more serious over time?
- Does the behavior interfere with community/school participation?
- Does the behavior result in damage to property?
- Does the behavior interfere with learning, socializing or work?

A student Incident Report for documenting challenging behaviors should be completed when:

- That student, other students or staff have been injured during the behavioral incident. (District forms for injury should also be completed)

- There is no behavior support plan and the challenging/unsafe behavior has been exhibited. A description of the incident should be completed as a prelude to a Functional Behavioral Assessment and development of a Positive Behavior Support Plan which may be developed by the school counselor, classroom teacher and/or special education service provider.
- There is a Behavior Support Plan and the incident is moderate to severe in intensity of length, documentation and reporting to administrators should be completed as part of the debriefing process for the staff. This can be done with the Student Incident Report, sending copies to appropriate personnel.
- A Restraint was used which is not part of any behavioral support plan. Explanation about why the restraint was needed as an emergency measure is extremely important to document.
- When an approved restraint is part of the behavior support plan but the restraint was applied for an extended time period to protect the health and safety of the individual or others. 10 minutes or more in a restraint, or needing to go back into the restraint after the student was released, should be considered an extended time period. The building principal should be notified immediately when an extended restraint is used, and sign off for permission to continue the restraint for each additional ten minutes of restraint.

In all cases where a student has a Positive Behavioral Support Plan, on-going data must be recorded and available for review. For mild incidents that are part of an existing plan, the behavioral data summary may be used in place of an incident report if the behavior is not above baseline levels. This behavior data summary must be supplied on request from Administrators.

When in Doubt, complete the Incident Report.

Disciplinary Removals

DISCIPLINARY REMOVALS

A disciplinary removal is a suspension, expulsion, or other removal for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C).

- “Disciplinary removal” does not include in-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s IEP and continues to participate with non-disabled students to the extent they would in their current educational placement.
- “Disciplinary removal” does not include 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.

First ten (10) Days of Suspension

- A student may be removed from his/her current educational placement for disciplinary reasons for up to the (10) cumulative or consecutive school days per school year to the same extent and in accordance with the same procedures as students without disabilities. Such disciplinary removals are not considered a change in placement.
- An administrator or his/her designee follows District procedure in determining whether to suspend the student.
- For purposes of counting days of suspension, suspensions of a half day or less are counted as a half day and suspensions of more than a half day are counted as a full day.

Interim Alternative Educational Setting

- Addressing student needs during the pre-referral and referral process
- If there is a substantial risk to student or staff safety, the district may place the student in an Interim Alternative Educational Setting (IAES), pending the outcome of the evaluation and placement following the evaluation.
- The following guidelines will assist with ensuring the success and safety of all students and staff.
- Assessing need for Interim Alternative Educational Setting:
 - Is there a demonstrated need for additional support or interventions pending the outcome of the pre-referral/referral process?
 - Is the need behavioral, academic or both?
 - Is the student a danger to self or others?
 - Where is the student most successful?
 - Where does the student have the most difficulty? Be sure to consider unstructured time, time outside the classroom, and time before and after school.
- Alternative Educational Setting options (not an exhaustive list):
 - Change of classroom
 - Change of school schedule/length of day
 - Home Instruction
 - Tutoring
 - Extra adult assistance

Additional Disciplinary Removals of up to 10 School Days Each (no pattern) OAR 581-015-2410

- Disciplinary removals that exceed a total of ten (10) consecutive or cumulative school days in a school year are considered a change of educational placement. Such removals are subject to special requirements.

- During such removals, the District must provide services that are necessary to enable the student to continue to participate in the general education curriculum (although in another setting) and to progress towards meeting the goals in the student's IEP.
- A manifestation determination meeting must be held before the 11th day of disciplinary removal.

School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension for additional periods of up to ten 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 under section (2) of this rule. These removals are not considered a change in placement.

School personnel must determine, on a case-by case basis, whether the series of removals constitute a pattern;

(a) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

(b) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of removals to one another.

Educational services necessary to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals of the child's IEP must be provided.

School personnel, in consultation with at least one of the child's teachers, will determine the extent to which the services are needed, and the location for the delivery of those services.

School districts are not required to determine whether the behavior resulting in removal is a manifestation of the child's disability.

Stat. Auth.: ORS 343.041, 343.045 & 343.155;

Stats. Implemented: ORS 343.155, 34 CFR 300.530, 300.536

Hist.: ODE 35-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 2-2003, f. & cert. ef. 3-10-03;

Renumbered from 581-015-0552, ODE 10-2007, f. & cert. ef. 4-25-07

Scheduling Manifestation Determination Meeting

- A manifestation determination meeting **MUST** be held within ten (10) school days of the decision to change placement due to discipline and before the 11th school day of removal during the current school year.
- Building administrator notifies the Student Services Director and the student's case manager of suspension.
- Special education case manager invites parents and other IEP team members to the Manifestation Determination meeting. A Notice of Team Meeting form must be used to document parental invitation-even if time constraints are such that it is not feasible to mail notice.

Manifestation Determination Considerations

At the manifestation determination meeting, the team determines if the behavior that caused the student to be disciplined was a manifestation of the student's disability.

- The IEP team must consider:
- Behavior Incident-details of the student's offense/rules violation
- Current Disability-based on eligibility statements or identified educational needs as noted on the IEP

- All Relevant Student Information-including evaluations, observations, parent information, current IEP/placement, other information the IEP team believes is relevant
- The IEP team must then answer the following questions:
- Was the conduct in question the DIRECT result of the District's failure to implement the student's IEP?
- Was the conduct in question caused by, or, did it have a DIRECT AND SUBSTANTIAL relation to the student's disability?

In analyzing whether the conduct was caused by, or had a direct and substantial relationship to the student's disability-analyze the behavior over time and across settings. Behavior MUST be a DIRECT RESULT of the disability. The behavior must not be an attenuated association. An example of an attenuated association would be a case where a student's physical handicap results in a loss of self-esteem, and the student consciously misbehaves in order to gain attention of his/her peers.

Behavior is a Manifestation of a Student's Disability

- If the team answers "YES" to one or both of the questions, then the conduct in question is considered a manifestation of the student's disability. The student CANNOT be removed from his/her current placement for disciplinary reasons beyond the 10th cumulative day of removal for the current school year (except as provided in the following "special circumstances").
- The IEP team MUST conduct a functional behavior assessment (FBA) if one has not already been conducted.
- 2. The IEP team MUST develop a Behavior Support Plan (BSP) or review and revise the current BSP.
- The student returns to current educational placement, unless the parent and District agree to a change of placement or one of the following "special circumstances".

Special Circumstances

- Removal by an Administrative Law Judge for behavior likely to result in injury-School administrator must contact the Director of Student Services prior to initiating this. (This requires filing for a due process hearing.)
- Weapons Offenses- The District may remove a student to an alternative setting for up to 45 school days when a student is found carrying or possessing a weapon to or at school, on school premises, or at a school function. School Administrators must contact the Director of Student Services prior to initiating this.
- Weapon must meet the definition of a weapon under IDEA. These include the following:
 - Firearm: (a) any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device (any explosive, incendiary, or poison gas, bomb, grenade, rocket with charge of more than four ounces, missile with charge of more than ¼ ounce, mine, or similar device). Does not include antique firearms.
 - Dangerous Weapon; “any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious injury.” ORS 161.015(2)
 - Deadly Weapon: “any instrument article or substance specifically designed for and presently capable of causing death or serious physical injury.” ORS 161.015(2)

School Administrators should contact Rainier law enforcement. The student may be arrested for the above noted offenses.

- Drug Offenses- The student may be removed to an alternative setting for up to 45 school days for a drug offense, as defined in the IDEA. School

administrators must contact the Director of Student Services prior to initiating this.

- IDEA defines a drug offense as knowingly possessing or using illegal drugs or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function.
- “Illegal drug” does not include a prescription for which the student has a valid prescription. However, distributing, selling, or soliciting the sale of the prescription, even if the student has a valid prescription for the drug, does constitute a drug offense by the student.
- Infliction of SERIOUS bodily Injury upon another person
- The student may be removed to an alternative setting for up to 45 school days for inflicting serious bodily injury on another person while at school, on school premises, or at a school function.
- School Administrators must contact the Director of Student Services prior to initiating this.
- Serious bodily Injury is an injury that involves:
 - Substantial risk of death
 - Extreme physical pain
 - Protracted and obvious disfigurement; or
 - Protracted loss or impairment of function of a bodily member, organ or mental facility.

School Administrators should contact Rainier law enforcement. It is likely the student would be arrested for any of the offenses noted above.

Behavior is not a manifestation of the student’s disability

- If the IEP team determines the behavior is NOT a manifestation of the student’s disability (by answering “no” to the questions, the regular disciplinary procedures may be applied as they are for non-disabled students.

- When a student is removed to an alternative setting for up to 45 school days- The student must continue to receive Special Education and Related Services through the alternative setting to allow the student to continue to progress towards IEP goals. The student must continue to participate in the general education curriculum. Functional Behavior Assessment and Behavior Support Plan should be developed if not already done so.

Protections for Students Not Yet Eligible for Special Education

Special procedures for discipline of special education students apply to students not yet identified as students with disabilities if the District has knowledge that the student has a disability.

- A District “has knowledge” that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:
 - The parent expressed concern in writing to an administrator or teacher of the student that the student “needs special education and related services.”
 - The parent requested a special education evaluation of the student.
 - A teacher or other District personnel expressed specific concerns about a pattern of behavior to an administrator.
 - Referral to the CST Team for a Special Education Evaluation had been made prior to the behavior that precipitated the disciplinary action.

A District “does not have knowledge” that a student has a disability if, the District “does not have knowledge” simply because:

- Staff are informally discussing that a student may be a special education student.
- The student is in the pre-referral process, prior to a Special Education referral.

- The parent has not allowed an evaluation of the student, or has refused services under the IDEA.
- The student has been evaluated and determined the student was not a student with a disability.

Parental Right to Appeal

- The parent may request a due process hearing if the parent disagrees with the manifestation determination or any decision about placement related to a disciplinary removal.
- Such hearings are conducted on an expedited basis. The hearing must be held within 20 school days of the date the hearing is requested and must result in a written decision within 10 school days of the hearing.
- Placement during the appeal is the interim alternative educational (disciplinary) setting pending the decision of the administrative law judge or until the end of the disciplinary removal, whichever occurs first, unless the District and parent agree otherwise.

Definition of Weapon under the IDEA 2004

What is a Weapon? (For removal to 45 day alternative Setting under the IDEA)

“A weapon, device, instrument, material, or substance animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2 1/2 inches in length.”
19 USC 930.

Other Definitions of Weapon (under Oregon Law)

- Firearm; “(a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive: (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device (any explosive, incendiary, or

poison gas, bomb, grenade, rocket with charge of more than four ounces, missile with charge of more than ¼ ounce, mine or similar device)” Does not include antique firearm.

- Dangerous Weapon: “any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious injury.” ORS 161.015(1)
- Deadly Weapon: “any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.” ORS 161.105(2)

Safety Assessment and Behavior Support

All threats to harm students, staff members, or others, are taken seriously. Students who make threats are referred to the school administrator, who determines whether a “risk screen” should be conducted. If so, the administrator initiates the risk screen with the school psychologist. The focus of a risk screen is to determine whether the student’s behavior poses a substantive threat. Threats may come in the form of direct, indirect or veiled threats. They may include verbal statements, written notes/letters, videos, emails, website, drawings or stories depicting violent themes, and/or threatening gestures. The school psychologist gathers all relevant information and completes a Confidential Risk Screen Summary-Harm to Others/Self Harm.

If the school psychologist, in collaboration with the school administrator and other pertinent staff (e.g. case manager, police, school counselor) concludes that the student’s behavior may constitute a substantial safety threat, referral for an outside “risk assessment” is made. For any student who is determined to be an immediate danger,

the school administrator may notify the Rainier Police Department. Parents are notified. For extreme cases, the student may be taken into custody and expulsion proceedings initiated.

- Risk assessments may be completed by a contracted psychologist who specializes in identification of potentially violent youth.

If the student is a general education student

- Relevant written information is compiled. This includes:
- a release to exchange information with the outside evaluator, signed by the parent; and
- documentation of the concern or incident that initiated a “risk screen”, including the Confidential Risk Screen Summary and questions to be addressed. The parent schedules the appointment directly with the evaluator. Payment for the risk assessment is the responsibility of the district.
- When results are received, the school administrator, school psychologist, officer, school counselor, parent and student meet to make a plan with regard to returning to school. If the student has been deemed at risk for violent behavior an Interim Alternative Placement will be recommended.
- As appropriate a Functional Behavior Assessment will be developed along with a Behavior Support Plan.

If the student is currently eligible for Special Education services

All students eligible for Special Education who have the Special Considerations checked indicating that the student's behavior impedes his/her learning or the learning of others will have a Functional Behavior Assessment and Behavior Support Plan developed. As appropriate, the student may also have IEP goals for behavior.

- The school psychologist discusses the options for change of placement if needed with the Director of Student Services. If deemed appropriate to consider outside placement options the school

psychologist will complete a referral packet to the appropriate site to include:

- Release to exchange information with the outside agency, signed by the parent;
- Compilation of referral procedures required by the outside agency.

School Safety/Threat Assessment Process

All threats and threatening behaviors occurring during school activities, on school district grounds, buses or field trips, or while in any way that students are under school supervision will be evaluated under the Rainier School District School Safety/Threat Assessment Process. District staff will consider all threats as potentially serious until properly evaluated. Though the student may have been "joking" when the threat was made, it is necessary to assume there is a potential for violence until further information can be gathered which confirms or denies that potential. It is the responsibility of the building administrator, calling on the advice and support of the Safety Assessment Team as appropriate, to assess all threats and act on them as outlined in the School Safety/Threat Assessment Process.

- Students should be told to immediately report threats or threatening behavior to district staff (teachers, counselors, administrators, instructional assistants, coaches, substitutes, kitchen staff, custodians or bus drivers).
- Staff shall report all threats to the building administrator on the same day they become aware of the threat.
- The building administrator shall evaluate the seriousness of the threat, conduct investigations as appropriate and call in outside help as appropriate. The attached School Safety Assessment Process provides guidance on how to evaluate the seriousness of threatening behavior.

The School Safety/Threat Assessment Process has three levels. Level 1 is designed to document early warning signs. Level 2 requires further investigation by the administrator or his/her designee. Action will be taken by the administrator or his/her designee to

provide intervention to the student. The administrator refers students to the Safety Assessment Team for Level 3 assessment and intervention when there is a high level of concern about potentially violent behavior and/or imminent warning signs of violence are evident. The Safety Assessment Team will be composed of a school administrator and as many of the following as possible: counselor, school psychologist, student resource officer, teacher (or other person who knows the student) and parent(s).

The Rainier School District and the Rainier Board of Directors through participation in the School Safety assessment Process holds itself harmless from any financial obligation for future health care referrals or medical or psychological interventions recommended by District personnel in School Safety Assessment Process, or those interventions sought independently by parents, guardians, and/or students. Any and all such costs shall be borne wholly and fully by the parent/guardian and /or the student.

WARNING SIGNS OF VIOLENT BEHAVIOR

Early Warning Signs (Level 1)

- Social withdrawal
- Feelings of being picked on/persecuted
- Low- school interest and/or poor academic performance
- Feelings about being treated unfairly at school (by school officials)
- Anger management issues (disproportionate emotional reactions)
- Gang interests (i.e. gang-like attire, gang related talk, family history of gang involvement)
- Talks/jokes about violence without specific intent
- Minor property damage
- Victim/witness of violence
- Suspected or known drug/alcohol use
- Harm to animals

- Preoccupation/involvement with the occult/anarchism/antiestablishment groups
- Suicide ideation

Moderate Warning Signs (Level 2)

- Chronic, persistent social withdraw/excessive feelings of isolation
- Excessive feelings of rejection
- Persistent/excessive feelings of being picked on/persecuted
- Repeated intimidating, bullying behaviors and/or threats of harm
- Repeated fighting
- Expression of violence verbally, in writings and/or drawings
- Uncontrolled anger and/or patterns of impulsive outbursts (reactions disproportionate to the event) and/or the inability to calm one's self
- Chronic discipline problems/violent or aggressive behaviors
- Preoccupation with/access to weapons, bombs, bomb making, etc.
- Repeated or overt intolerance for differences and prejudicial attitudes
- Affiliation with gangs (involved in gang activities)
- Suicide threats (*follow suicide intervention process)
- Self injurious behaviors, bingeing or purging

Imminent Warning Signs (Level 3)

- Serious physical fighting
- Severe destruction of property
- Severe rage for seemingly minor reasons
- Detailed threats of lethal violence with means and victim specified (including self or others)
- Possession and/or use of firearms and other weapons
- Other self-injurious behaviors or threats of suicide

These warning signs are not intended to be an all-inclusive list, but rather examples of behavior known to correlate with youth violence.

SCHOOL SAFETY/THREAT ASSESSMENT PROCESS

The School Safety Team Assessment process is designed to respond to any threat to safety presented by students' words or actions in a school setting. It consists of three levels. In each level an analysis of risk factors and the subsequent development of monitoring and/or intervention plans will occur. Each assessment level is more comprehensive than the last and builds upon information previously collected.

ANALYSIS OF RISK FACTORS

- **Level 1:**

Level 1 is the responsibility of the school administrator or his/her designee.

The purpose of Level 1 is to document early warning signs for students about whom there is a concern. This documentation provides a systematic way to monitor a student for a pattern of behavior that may put the student at risk for violence to him/herself and/or others.

- **Level 2:**

Level 2 is the responsibility of the school administrator or his/her designee. The purpose of Level 2 information gathering is to assist in analyzing possible patterns of behavior, thinking, or events in a student's school, home and community environments which may potentially endanger self or others. It is also designed to help inform the Level 3 team about requesting more formal risk assessment or in planning interventions.

- Questions on the Safety Response - Level 2 form are intended to gather information about the following risk factors:

- History and/or current patterns of high-risk behavior

- Personality traits such as rigidity, isolation, revenge, impulsiveness
 - Family history, values or events which support high-risk behaviors
 - Peer relationships which promote high-risk behaviors
 - Physical, medical, or mental health as contributing factors.
- **Level 3:**

Level 3 is the responsibility of the Safety Assessment Team. The purpose of this level is to determine the need for further assessment and/or intervention-planning. Risk concerns are high. Suspicion of a disability may exist. The team may require outside assistance. The process is meant to be systematic, comprehensive, timely and team-based.

MONITORING AND INTERVENTION PLANS

A Level 2 or Level 3 intervention plan will include a written action plan, specifying who will take actions, as well as identifying the timeline and methods for monitoring the outcome of these actions. Level 2 action plans will be developed for students who are not considered to be a safety threat for the school community. It may be less comprehensive than a Level 3 action plan and may not address a threat. Plans are signed by those who participated in their development. A Level 3 action plan will be similar to Level 2 but will be more comprehensive in scope.

STEPS IN SAFETY RESPONSE

- **Level 1**
 - Incident or concern is reported by staff, student or parent.
 - Level 1 documentation form (on pg. 6) will be completed by administrator, counselor or CORE Team when warranted.
 - Go to Level 2 if moderate risk exists.
- **Level 2**
 - Investigation commences immediately.

- Administrator or administrative designee uses Safety Response - Level 2 form (on pg. 7) to gather and document information.
- Administrator and/or designee reviews information and decides if a student needs to be referred to the Student Study Team for a special education manifestation determination.
- Does level of concern warrant further action?
- If **no**, an action plan is developed to conclude appropriate discipline, inform parents, and communicate any follow-up information to staff.
- If **yes**, a Level 3 team meeting is convened as soon as possible - immediately, if risk is significant.

Level 3

- Safety Response Level 3 form (on pg. 9) is completed.
- Safety Assessment Team is convened to review the Level 1 and Level 2 data and to decide on one or more of the following actions as needed:
 - Further investigation by the Team
 - Completion of the Level 3 checklist
 - Team develops a written intervention plan which is communicated to relevant staff and parents; the student returns to school.
 - Immediate referral is made to outside mental health professionals for risk/safety assessment.
 - Referral is made to the building evaluation team to provide comprehensive assessment of possible disabilities under IDEA or 504 guidelines.
 - Referral to current IEP or 504 team (See ODE guidelines of 5-24-99) for review of current plan and manifestation determination as needed.
 - Referral is made for drug/alcohol assessment.
 - Referral is made to district expulsion hearings officer.

Functional Behavior Assessments and Behavior Intervention Plans

Functional Behavior Assessment

A Functional Behavior Assessment is a process for identifying: observable problem behaviors, the contexts where the problem behaviors are most likely to occur, the specific antecedent events within a context which likely predict occurrence of problem behaviors, and the consequences that appear to maintain the problem behavior.

The purpose of a FBA is to provide the basis for construction of a Behavior Intervention Plan or to improve the effectiveness of an existing BIP.

- The FBA should result in the following:
- Operational definitions of problem behavior(s)
- Identification of the contexts where the problem behavior is most likely, and least likely to occur
- Identification of the specific antecedent events most likely to predict the identified problem behavior(s)
- Identification of the consequences that reinforce the problem behavior

Types of FBA's

- Formal FBA
 - A Formal FBA requires parental consent and results in a written report based on use of standardized evaluation instruments. Results are used in development or revision of a Behavior Intervention Plan. This includes multiple, extensive observations and a review of existing data.

- Informal FBA
 - An Informal FBA does not require parental consent and does not use standardized evaluation instruments. This will likely include informal observation, and a review of existing data. An informal Behavior Intervention Plan may be implemented by a classroom teacher using point charts or other simple reward systems, or may be developed in collaboration with other support staff. Results will be used for the revision of a BIP.

The Formal FBA is conducted by the School Psychologist, the case manager, or school counselor in collaboration with other pertinent professionals.

Physical Restraint and Seclusion

On March 9, 2012, in alignment with the Oregon Statute, the State Board of Education adopted new

administrative rules on the use of physical restraint and seclusion in Oregon public schools. This includes the following six new OARs 581-021-0550, 0553, 0556, 0559, 0563, and 0566.

Definitions: (OAR 581-021-0550)

1) 'Chemical restraint' means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(a) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition;

(b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

2) 'Mechanical restraint' means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

'Mechanical restraint' does not include:

(a) A protective or stabilizing device ordered by a licensed physician; or

(b) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(3) 'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student.

(a) 'Physical restraint' does not include the touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity;

(b) 'Physical restraint' does not include prone restraint

(4) 'Prone restraint' means a restraint in which a student is held face down on the floor.

(5) 'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

'Seclusion' does not include:

(a) The removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving.

(6) 'Serious bodily injury' means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

Stat. Auth. 326.051

Stats. Implemented: chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939)

Use of Physical Restraint and Seclusion in Public Education Programs (OAR 581- 021-0553)

(1) The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.

(2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided below:

Physical restraint or seclusion may be used on a student in a public education program only if:

(A) The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and, less restrictive interventions would not be effective.

(B) Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.

(C) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others.

(D) Restraint and/or Seclusion may only be imposed by personnel of the public education program who are:

- Trained to use physical restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or
- Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance;
- Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.

(E) If physical restraint or seclusion continues for more than 30 minutes:

- The student must be provided with adequate access to the bathroom and water every 30 minutes;
- Personnel must immediately attempt to verbally or electronically notify a parent or guardian of the student situation; and,
- Every 15 minutes after the first 30 minutes of the physical restraint or seclusion, an administrator must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued.

Procedures Regarding Physical Restraint & Seclusion (OAR 581- 021-0556)

Staff will follow the following procedures following an incident involving the use of physical restraint or seclusion:

Provide the following information to a parent or guardian of the student:

1. Verbal or electronic notification of the incident by the end of the school day when the incident occurred;
2. Written documentation of the incident within 24 hours of the incident that provides a description of the physical restraint or seclusion including:
 - The date of the physical restraint or seclusion;
 - The times when the physical restraint or seclusion began and ended;
 - The location of the physical restraint or seclusion;
 - A description of the student's activity that prompted the use of physical restraint or seclusion;
 - The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;

- The names of the personnel of the public education program who administered the physical restraint or seclusion;
- A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and,
- Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting

If the personnel who administered the physical restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

1. The lack of training; and the reason the physical restraint or seclusion was administered by a person without training.
2. A debriefing meeting related to the use of physical restraint or seclusion must be held within two school days of the incident and must include all personnel who were involved in the incident and any other appropriate personnel.
3. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.
4. If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of school personnel and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
5. If serious bodily injury or death of a student occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided by the public education providers within 24 hours of the incident to the Department of Human Services.

6. If serious bodily injury or death of personnel of the public education program occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

7. Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of physical restraint or seclusion.

8. As indicated, per ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with Section 3, chapter 665, Oregon Laws 2011 and (Enrolled House Bill 2939) and OAR 581-021-0553.

Reporting Requirements for the Use of Physical Restraint & Seclusion (OAR 581-021-0559)

An annual report to the Superintendent, School Board and posted on the district website, detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving physical restraint;
- (b) The total number of incidents involving seclusion;
- (c) The total number of seclusions in a locked room;
- (d) The total number of students placed in physical restraint;
- (e) The total number of students placed in seclusion;
- (f) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;

(g) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student.

(h) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained.

(i) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

Physical Restraint and Seclusion Training Programs for School Staff (OAR 581-021-0563)

The Department of Education shall approve training programs in physical restraint and seclusion that:

(a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion;

(b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(c) Are consistent with the philosophies, practices and techniques for physical restraint and seclusion that are established by rule or policy of the Department of Human Services.

Required Use of Approved Restraint and Seclusion Programs (OAR 581-021-0566)

Only use of training programs on physical restraint and seclusion that are approved by the Department of Education under OAR 581-0563 are allowed.

Training

The Rainier School District uses the Oregon Intervention Systems (OIS) approach for students who may require physical restraint. The OIS approach focuses on prevention of extreme behaviors that might be needed for physical restraint. All staff are required to be trained in the OIS approach prior to use of the techniques and procedures of this approach. Additionally, Staff who may have more challenging student behaviors to deal with will be trained in “Individual Focus”, which are procedures designed for individual student needs.

Physical Restraint and Seclusion Procedures

- IEP Meeting
- When physical restraint and/or seclusion are being considered as a part of a behavior support plan for a student, an IEP meeting must be held prior to implementation. IEP team members should include the student’s parents, a regular education teacher, special education teacher, a district representative knowledgeable about restraint training and practices in the district, and an individual who specializes in behavior (may be the school psychologist).
- The IEP Team:
 - Reviews the current IEP and behavior data.
 - Conducts a FBA
 - Develops a BSP that includes physical restraint and/or seclusion. The plan must include a specific number of incidents within a specific time period for reviewing the plan.
- The Behavior Support Plan is included under Supplementary Aids/Services; Modifications and Accommodations on the Service Summary page of the IEP. The BSP is attached to the IEP.
- Documents meeting on Meeting Minute
- A Prior Notice of Special Education Action form, indicating behavior plan and IEP revision is provided to parents.

Early Childhood Special Education

The Northwest Regional Education Service District (NWRES D) provides services to children with disabilities prior to Kindergarten. The NWRES D completes an evaluation, if appropriate, to determine eligibility for special education services when:

The NWRES D team determines eligibility for services. If a child is found eligible for special education services, an individual Family Service Plan IFSP is developed and implemented. Assessments for eligibility are also completed when a child, age birth to age five, moves into the district with eligibility from another district or state.

The term Early Intervention (EI) applies to children 0-3 years old. Early Childhood Special Education (ECSE) applies to children ages 3-5 years.

Annually, case managers will have responsibilities to evaluate and establish school aged eligibility for Special Education services for students who will turn five before September 1st of the next school year. Law requires that all eligible ESCE students have an active school age eligibility and initial IEP in place prior to the start of the school year.

IEP Process for ECSE Students

- Early in the present school year the EI/ESCE Coordinator contacts the district for potential students transitioning to school aged services.
- The Student Services office will notify elementary case managers of students who will potentially be transitioning into the Rainier School District.
- Case manager will request permission (Consent to Evaluate) from parents to make an on-site observation of student in their ECSE placement.
- Case manager will attend a student's IFSP meeting during the year prior to transitioning to the Rainier School District.

- Case managers will determine whether there is sufficient data to establish a school aged eligibility. If not, permission to complete appropriate assessments will be obtained.
- Case manager will schedule an IEP/Eligibility Team meeting as early in the school year as possible. A regular education teacher must attend this meeting. ECSE teachers should be invited.

Child Find Obligation

- Child Find is the obligation of every school district to identify, locate and evaluate all children between the ages of birth to 21 who may need special education and related services. This includes children with disabilities attending private schools.
- Anyone may request that a child be considered for special education. As a special education provider, you may notice a family that has a younger child who may need evaluation. Please encourage families to contact the NWRESA for evaluation of their child.
- Additionally, the expanded child-find requirements enacted in 1999 also apply to "highly mobile" children with disabilities, such as migrant and homeless children.

Home Schooling

Home Schooling for Children With Disabilities

OAR 581-021-0029

District Responsibilities

- When the district is notified that a resident student with a disability is home schooled, the district must provide a written notice to the parents that the district stands ready to provide a free, appropriate public education (FAPE) if the student enrolls in the district.
- This notice is provided annually as long as:
- The student remains eligible for special education;

- The student is exempt from compulsory education as a home-schooled student; and
 - The student is not receiving special education and related services from the district.
 - If the student is receiving special education and related services from the district, the district will offer an annual IEP meeting to consider continuation of special education services in conjunction with the home schooling.
 - An IEP will only be developed for a student with a disability if the IEP team determines that FAPE can be provided in conjunction with homeschooling. Services can be provided in the home only to the extent that special education and related services would be provided in the home if the student were not home schooled.
 - The IEP team will convene, and an IEP will be developed, consistent with the requirements for IEP team meetings, IEP team memberships, and the IEP content with the following exceptions;
 - The student's parents shall be treated as both parent and regular education teacher unless the parent designates another individual as the regular education teacher.
 - Under "extent of non-participation in regular education", the IEP shall state the student is exempt from compulsory school attendance and regular education is provided through homeschooling.
 - The IEP must state how satisfactory educational progress will be determined.
-
- The District ensures that:
 - Students with disabilities who are homeschooled are reevaluated at least every three years.
 - If the team determines that a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent and/or makes the student available.
 - If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide Prior Written Notice of Special Education Action if the district terminates eligibility or services under these circumstances.

- A child who is exempt from compulsory school attendance as a home-schooled child with a disability will continue to be considered an exempt home-schooled student even though;
- The child receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or
- If the district permits partial enrollment of home schooled children and pursuant to that policy, the child attends one or more regular education classes.
- Parents of homeschooled children with disabilities have the same procedural safeguards as children with disabilities enrolled in the district, except for the following;
- A parent is not entitled to an independent education evaluation at public expense under OAR 581-015-0094 if the parent disagrees with an IEP team evaluation regarding satisfactory educational progress under this rule.
- Parent may not request a due process hearing under OAR 581-015-0081 to contest a district's decision not to provide special education and related services in conjunction with homeschooling. (Due process hearing procedures are available for disagreements about eligibility.)

Child Find

- If the district suspects that a homeschooled student has a disability, the district:
 - Obtains parent Consent for Initial Evaluation
 - Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
 - If parents state that they will refuse both the evaluation and services, if offered, the school does not need to conduct an evaluation or create an IEP. The district documents to the parents that it stands ready to consider conducting the evaluation and/or offering services when the parent(s) give consent.
 - If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student.
 - If the parent refuses consent, does not respond, or refuses to make the student available, the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.
 - If a parent intends to home-school a child with a disability, the district shall offer, and document to the parent;

- An opportunity for the child to receive special education and related services if the child were enrolled in the district; and
- An opportunity for an IEP meeting to consider providing special education and related services to the child with a disability in conjunction with homeschooling.
- An IEP shall only be developed for a child with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with homeschooling.

Documentation of Progress and Graduation

- In order for parents of homeschooled children to document progress with instruction, the following tests are administered through the Northwest Regional ESD: California Comprehensive Test of Basic Skills, Iowa Comprehensive Test of Basic Skills, Metropolitan Achievement Battery, or Stanford Achievement Battery. The criteria are set at the 15th percentile.
- Home schooled students do not receive a standard diploma because homeschooling is not accredited instruction. The ESD provides documentation that the student has completed their schooling as “home schooled”. They may earn the diploma through an accredited correspondence course or through a GED program.

Private Schools

Students Enrolled by their Parents in Private Schools

- **Referral and Eligibility**
- A parent, a student placed in private school by the parent, or a staff member from the child’s private school may request an evaluation to determine the student’s eligibility for special education. If the student is 18, an emancipated minor, or married, the student placed in the private school by the parent or him/herself may request an evaluation to determine his/her eligibility for special education.

- The request may be made orally or in writing. If the request is made to the student services office, the Director will refer the request to the eligibility team at the appropriate school.
- If the request is made to a school administrator, or other school staff, the request will be referred to the Special Education Team.
- If the private school of attendance is outside of Rainier School District boundaries, the eligibility team will inform the parent, student or private school staff member that the district encompassing the location of the private school is responsible for child find, determination of eligibility, and Services Plan, if necessary. (IDEA, 2004).
- The Special Education Teacher will contact the parent by telephone and in writing (Notice of Team Meeting) to invite the parent to the pre-referral meeting. A representative of the private school, who can address the student's performance, is also invited.
- An Authorization to Use and/or Disclose Educational and Protected Health Information form is included with the meeting notice. The form requests that all school records be released to the school.
- If a team member believes it is necessary to receive information from other agencies or service providers, an additional Authorization to Use and/or Disclose Educational and Protected Health Information form is completed and enclosed.
- Follow the following procedures based on parental attendance:
 - If the parent **does not** attend, complete the Prior Notice of Special Education Action stating:

"The Rainier School District stands ready to consider conducting an evaluation of (student) in order to determine eligibility for special education services if you wish to pursue an evaluation".

- Mail form to parents, retain a copy and submit a copy to the Student Services office.
-
- ❖ If the parent **does** attend, the Special Education team will proceed with consideration for evaluation. If an evaluation is to be conducted, the parent is asked to sign a Prior Notice about Evaluation/Consent for Evaluation. The parent is expected to bring the child to the appropriate school in the Rainier School District. Direct observation is conducted when arranged at the private school.
 - Eligibility/ineligibility is determined.
 - Due process procedures are available to parents of parentally placed private school children regarding a school district's performance of child

find activities, evaluations, and reevaluations. Due process is not available to parents if they have concerns about school district compliance with IDEA requirements regarding the consultation process, the amount of funds expended by a school district to meet the requirements, decisions about the services that will be provided to parentally placed students, or the implementation of a specific Services Plan for a child. However, the State Complaint Resolution Process may be used for such complaints.

- If a student receiving special education services withdraws from RSD to attend a private school outside of RSD boundaries and continues to reside within RSD: The case manager makes a courtesy call to the parent informing him/her that the district encompassing the location of the private school is responsible for developing the Services Plan. Complete Prior Notice of Special Education Action stating: “(Student) attends a private school outside of the Rainier School District boundary. 2004 mandates that Special Education services will be provided to eligible students by the district that encompasses the private school location”.
- **SERVICES PLAN AND/OR IEP MEETING**
- Prior to the Services Plan meeting, consult with the Student Services Director to confirm the appropriate amount of service and type of service for the student.
- Parents typically provide transportation for students on a Services Plan. However, if this is an issue for the student to access services, please contact the Student Services Director. Under certain circumstances transportation can be considered.
- The case manager invites the parent, a representative from the private school, and other meeting participants to a meeting using the Notice of Team Meeting. The meeting is arranged by telephone prior to mailing the form.
- For eligible resident students attending a private school within the Rainier School District boundaries, the case manager explains at the meeting that the student would be eligible for more comprehensive services if attending the public school. Examples of services at both schools are described. These services are defined on the Service Plan or an IEP document if requested by the parent. If parents decline the IEP, the case manager documents this on a Prior Notice of Special Education Action form.
- If the student attends a private school within Rainier School District boundaries, but resides outside of the District, an IEP is not offered.

Only the Service Plan is addressed. The Service Plan includes the cover page, a Present Level statement and the goals. Decisions are documented on a Prior Notice of Special Education Action form.

- Service Plans are reviewed and revised annually. The team determines, and the Services Plans describes, when periodic reports on progress will be provided to the parent.
- A Notice of Team Meeting is sent annually to review/develop a new Services Plan. If a student enrolls in the District, an IEP is developed.
- **Reevaluation**
- Every three years, reevaluation is conducted even if the student is not served on a Services Plan.
- If a parent refuses to grant consent, or does not respond to the Prior Notice About Evaluation/Consent for Evaluation form, the case manager sends a Prior Notice of Special Education Action form stating:

“The Rainier School District stands ready to consider conducting a reevaluation of students in order to determine his/her eligibility for special education services. Please contact (case manager) if you wish to pursue an evaluation. The student cannot be served on a Service Plan unless eligible for special education services. “

- Mail forms to parents, submit original to student services office and retain a copy in the working file.

Eligibility for Culturally Diverse Populations

Special Education Eligibility for Culturally Diverse Populations

The Rainier School District is committed to ensuring eligibility practices effectively differentiate between a disability and a learning difficulty or underachievement that can be attributed to cultural and/or linguistic differences. Evaluation strategies ensure that students identified with Limited English Proficiency are not disproportionately represented within the Special Education population of the Banks School District.

Research indicates that over-representation of culturally diverse populations in Special

Education is often the result of 1) instruction and intervention practices that do not meet the learning needs of LEP students in general education, 2) Inappropriate Special Education referral and assessment procedures; and 3) Biased assessment practices. (Ortiz, 2002; Baca and Cervantes, 2004)

Procedures

The following procedures are used to ensure these issues are not a factor in making eligibility determinations for culturally diverse populations,

- Assessments and evaluation materials used to assess linguistically and/or culturally diverse students:
- Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- Are provided and administered in the child's native language or other mode of communication 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;
- Are used for the purposes for which the assessments or measures are valid and reliable;
- Are administered by trained and knowledgeable personnel; and
- Are administered in accordance with instructions provided by the producer of the assessments.

Pre-referral

At the pre-referral level the ELD teacher will provide the following information:

- Completion of the Pre-referral Checklist for Culturally and Linguistically Diverse Students
- Interpretation of Response to Intervention data with respect to cultural and linguistic aspects of the student's needs and progress. This includes identification of barriers to success and planning to overcome such barriers.
- Assessment of opportunity for learning, language proficiency and acculturation will include:
- Completion of the Acculturation Quick Screen and Home Language Survey
- Administration of the Woodcock-Munoz Language Survey to assess levels of English language proficiency and Cognitive Academic Language Proficiency.
- Recommendation that lack of school success is not a function of the student's level of English language development.

Caution

- If the learning/behavior problems can be primarily attributed to
 - Socio-cultural differences (level of acculturation)
 - Economic disadvantage
 - Lack of instruction/inconsistent schooling
 - Inappropriate instruction
 - Ecological/environmental issues in the classroom
- Then, the student should not be considered for Special Education.
- When students have been verified to have limited English proficiency, include the ELD teacher at the IEP meeting.
- Interpreters must be provided for families who are unable to participate in the IEP process without an interpreter able to translate in the parent's native language. Please contact Student Services if translation services need to be set up.

Life Skills Curriculum

The Rainier School District Special Education Program is committed to supporting all students who meet the special education eligibility requirements of IDEA in the least restrictive environment. To receive a free appropriate public it is sometimes necessary to provide special education and related services, described in an Individualized Education Plan (IEP) in a more restrictive setting. This may mean students receive educational services in a self-contained setting with a greater adult to student ratio, and with potentially fewer opportunities to learn alongside typically developing peers. Placement in a self-contained setting is thoroughly considered by the IEP Team, including a child's parents, and selected when all other placement considerations indicate the child's needs would best be met in this more restrictive setting.

Hudson Park Elementary has one self-contained classroom, and the secondary Life Skills Center is housed at Rainier High School. These classes serve students with a range of more profound disabilities who need more intensive, individualized instruction in both life skills and/or functional academics. The classes provide for significant

opportunities to manage sensory integration, communication, social and emotional development and coursework to ensure students develop the academic and life skills necessary to succeed.

Additional Resources

These links contain helpful information for parents and educators of children with special needs. The persons, products and services listed in this website are for informational purposes only and as a service for our readers. No endorsement by the Rainier School District should be inferred.

Oregon Department of Education

<http://www.ode.state.or.us/>

Oregon School Age Forms

<http://www.ode.state.or.us/search/page/?I=817>

Oregon Standard IEP

<http://www.ode.state.or.us/search/page/?=1163>

Procedural Safeguards ODE

<http://www.ode.state.or.us/search/results/?id=261>

Oregon Diploma-Oregon Department of Education

<http://www.ode.state.or.us/search/results/?id=368>

Disability Rights Oregon-Guardianship Handbook

<http://www.disabilityrightsoregon.org/resources/5-publications-1/DRO-Guardianship-Handbook.pdf/view?searchterm=guardianship>

Northwest Regional Education District

<http://www.nwresd.k12.or.us/>

Northwest Regional Education Autism Training

<https://sites.google.com/a/nwresd.k12.or.us/autism>

<https://sites.google.com/a/nwresd.k12.or.us/autism/evaluation-team-training-outline>

The Oregon Parent Training and Information Center

<http://factoregon.org>

NWREL Oregon Parental Information & Resource Center

<http://www.nwrel.org/pirc/index.php>

The Arc of the United States

<http://www.thearc.org/>

Wrightslaw

<http://www.wrightslaw.com/>

Northwest Autism Foundation

<http://www.autismnwaf.org/>

State Advisory Council for Special Education (SACSE)

<http://www.ode.state.or.us/search/results/?id=251>

Chapter 343 Special Education Services

<http://www.oregonlaws.org/ors/chapter/343>

Portland Aspergers Network

<http://www.aspergersnet.org/>

Tualatin Valley Housing Partners

<http://www.housingconnections.org>

Disability Compass

<http://www.disabilitycompass.org/compass-community>

Council for Exceptional Children

<http://www.cec.sped.org>

Oregon Association of the Deaf

<https://www.facebook.com/deaforegon>

American Foundation for the Blind

<http://www.afb.org/>

Oregon Commission for the Blind

<http://www.cfb.state.or.us/>

Phame, Academy of fine arts

<http://www.phameacademy.org/>

United Cerebral Palsy of Oregon and Southwest Washington

http://www.ucp.org/ucp_local.crm/129/

Oregon.Gov Developmental Disabilities Eligibility

<http://www.oregon.gov/DHS/Pages/ddeligibility/home.aspx>

Oregon.gov Supports for Adults

<http://www.oregon.gov/DHS/Pages/ddadults/index.aspx>

Traumatic Brain Injury

http://www.cdc.gov/concussion/headsup/pdf/ACE_care_plan_school_version_a.pdf

ODE TA and Guidelines Manual regarding Physical Restraint and Seclusion

<http://www.ode.state.or.us/search/results/?id=107>