

Gervais School District  
Special Education Policy Manual  
2022-2023 School Year



**Gervais School District**

ESTABLISHED 1834

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## Introduction

The purpose of this manual is to create a resource for Special Education teachers and Gervais School District staff when questions may arise throughout the school year. The manual is designed to allow staff to remain in compliance with district and ODE regulations while providing a high level of exceptional services to our students and families.

This manual reflects the most current information that our district has regarding Special Education. With that said, district, state and federal guidelines and expectations will often change throughout a given school year. Special Education staff is expected to remain current on best practices and compliance expectations as part of their professional job requirements. Staff should refer to this manual as a guide throughout the school year as compliance questions arise. For additional information, staff can find ODE compliance information in applicable [Oregon Administrative Regulations \(OARs\)](#). At the home page, search current rules for “Chapter 581: Oregon Department of Education; then select “Division 15: Special Education;” from this menu, select areas of interest.

### Gervais School District’s Mission

Within our growing, diverse community, we sow the seeds of opportunities to raise prepared, resilient learners.

### Gervais School District’s Vision

Graduating resilient, responsible students whose learning extends to the global community beyond Gervais.

### What We Value in the Gervais School District

- **Equity...** through inclusive practices, we leverage our diversity to establish opportunities for all.
- **Integrity...** is based on trust we must earn, accountability for our actions, and transparency that is undeniable.
- **Excellence...** students achieve from high expectations and staff modeling grit, perseverance, and a love of learning.
- **Relationships...** are centered on respect and nurtured through kindness and communication.
- **Community...** we gain unity through our shared generational values.



## Section 1: Individuals with Disabilities Education Act (IDEA) Overview

### **A. What is Special Education?**

Under IDEA, special education is defined as, “Specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability.” A disability is an inability or a reduced capacity to perform as other children do because of some impairment in sensory, physical, cognitive, or other areas of functioning.

In special education, children are categorized with exceptionalities. A category is a label assigned to individuals who share common characteristics and features. Under the Individuals with Disabilities Education Act (IDEA) there are 12 categories of disability (listed with their Eligibility Code):

10: Intellectual Disability	70: Orthopedic Impairment
20: Deaf or Hard of Hearing	74: Traumatic Brain Injury
40: Visual Impairment	80: Other Health Impairments
43: Deaf/blindness	82: Autism Spectrum Disorder
50: Speech Language Impairment	90: Specific Learning Disability
60: Emotional Behavior Disability	98: Developmental Delay

When talking about people with disabilities, it is important to put the person first. Say “The child with a disability” NOT “The disabled child.” This keeps the focus on the individual, not the functional limitation.

### **B. IDEA Guiding Principles**

IDEA was developed under six major principles. These principles shape our process and our procedures.

1. Informed Consent with Parent and Student Participation. Before any evaluations, testing, or placement can be done, there must be parental informed consent. Informed consent is defined as the following:
  - a. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication.
  - b. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom.
  - c. The parent understands that the issuing of consent is voluntary and may be revoked at any time.
2. Free and Appropriate Public Education (FAPE). All students have the right to an appropriate public-school education at no cost to the parent regardless of the extent of the disability. “Free” means at no cost to the parent, guardian, and student. Regarding appropriate, it is the responsibility of the IEP team to develop an educational plan that meets the student’s needs. This plan is based on data.
3. Non-Discriminatory Evaluations. Students must participate in Non-Discriminatory evaluations. Under IDEA, six criteria must be met for an evaluation of a suspected disability to be considered a non-discriminatory evaluation:
  - a. When considering eligibility for special education, the evaluation must be done by a multidisciplinary team.
  - b. All testing materials and procedures used for the purposes of evaluation and placement of children with disabilities must be selected and administered so as not to be racially or culturally discriminatory.
  - c. All tests and other evaluation materials must have been validated for the specific purpose for which they are used.
  - d. Tests and other evaluation materials must be administered by trained personnel who conform to the instructions provided by the test’s producer.
  - e. No single procedure can be used as the sole criterion for determining an appropriate educational program for a child.
  - f. Reports must be interpreted in the native language. When doing assessment, all reports must be interpreted in the parent’s native language.

4. Individualized Education Program (IEP). All students in special education are required to have an individualized education program designed to meet their needs. The IEP includes both short-term and long-term goals, along with how and where services will be provided. The IEP must be written by a team.
5. Least Restrictive Environment. Students with disabilities need to be placed in the school setting that is best suited to meet their educational needs. There is also a provision in IDEA that states that students with disabilities are to be educated with their non-disabled peers to the maximum extent appropriate.
6. Procedural Safeguards. All students and their parent(s) or guardian(s) are afforded due process. If a conflict or disagreement ensues concerning a student's eligibility for special education placement or services, no changes can be made until the issue has been settled by mediation or an impartial hearing.

Adherence to the previous principles will ensure that a student's rights have been protected and will help should the situation require a mediation or due process resolution. By seeking to follow both the spirit and letter of the law, students are provided with a meaningful educational experience.

## Section 2: Child Find and Eligibility

### A. Child Find

The district must identify, locate, and evaluate all resident children with disabilities who are in need of early intervention, early childhood special education or special education services. Child Find includes Migrant and Homeless Children, Foster Children, Home Schooled Students, Students enrolled in Public Charter Schools, Students in Private Schools, students who have dropped out or left school and are under 21 years-of-age, and students enrolled in our K-12 system.

The district makes available a variety of Child Find opportunities that may include the following: web- page announcements, newspaper publications and other modes of communication.

### B. Disability Codes

Case managers are required to accurately code each student's disability or disabilities to meet state and federal reporting guidelines. Students may be eligible under multiple disability codes. All disability codes will be documented on the cover page of the student's IEP. The following is the approved list of disability codes:

10: Intellectual Disability	70: Orthopedic Impairment
20: Deaf or Hard of Hearing	74: Traumatic Brain Injury
40: Visual Impairment	80: Other Health Impairments
43: Deaf/blindness	82: Autism Spectrum Disorder
50: Speech Language Impairment	90: Specific Learning Disability
60: Emotional Behavior Disability	98: Developmental Delay

### C. Evaluation Process Overview

Beginning in the 2022-23 school year, all case managers will use the Evaluation Planning Packet in TieNet (PowerSchool SpEd). As a minimum, case managers will use the Review of Existing Information, Referral Team Meeting Notice, Meeting notes, and Consent for Evaluation forms to document the discussion and determination of every evaluation.

- Documented Referral or Request
- Evaluation Planning Process (utilize the TieNet forms)
  - Review of Existing Information
    - Data Review
    - File Review, including Vision and Hearing Screening (report data should go back a minimum of five years).
      - For an initial file review, the full form is required. For a re-evaluation, the modified form located in TieNet is acceptable.
      - The initial file review form is part of the CARE Team Process.
  - *Even when there is no new testing and the case manager only reviews the previous evaluation, a report must still be written. Case managers should include the last evaluation in their review report and write something like "In 20\_\_ (student) had the following tests as part of their evaluation. School Psychologist \_\_\_\_\_ interpreted those tests and Learning Specialist \_\_\_\_\_ reviewed them as part of the review. After that statement, case managers should include the blurb of information from the tests (i.e., WJ, KTEA).*
  - For the team meeting notice for evaluation planning, case managers use the "Referral Team Meeting Notice" in the Evaluation Planning Packet (not the "Special Education Team Meeting Notice").
  - Consent
  - Description of Assessments
  - Obtain signatures for Release of Information, as needed
    - HIPPA form to consult with medical, mental health, or other outside service providers

- Case managers will scan files and email them to the Director of Student Services
- Establish 60-day timeline and schedule eligibility meeting
- Complete observations, assessments, request for medical statements while managing the 50-day timeline to ensure that all needed documents and information is completed for Eligibility Meeting (such as medical statements, vision/hearing screening, reports from outside service providers, etc.)
- Hold an Eligibility Meeting
  - Finalize paperwork and mail home within 10 days of meeting
- Upload evaluation report (and other signature pages or documents not already in TieNet into TieNet
- Notify the Director of Student Services of results via email

#### **D. Referral Process**

The referral process is the first step towards possible special education eligibility. The referral process assumes that the CARE Team has done the following:

- Complete a CARE Team packet in-full
- Documented Culturally Responsive Interventions over time
- File Reviews (to include vision and hearing screening results, attendance rates, etc.)
- Collected student academic and/or behavior data
- Informed parents of a CARE Team referral

Once the CARE Team has collected the above data and determined a need for further information and possible special education eligibility, a consultation with the district psychologist and Director of Student Services will occur. It is possible for a referral to occur without going through the CARE Team process (for example, see the section below 'Parent Request for Evaluation').

#### **E. Informed Consent**

When a referral for special education evaluation occurs, the special education teacher, in collaboration with the district psychologist, will follow the process for initial evaluation (See Initial Evaluation section). Informed consent includes the following:

- Signed permission (must be in parent's native language) from parent or guardian for evaluation.
- Information provided to the parent or guardian need to be in the parent's or guardian's native language.
- A clear explanation that informs the parent or guardian about the areas of suspected disability and how the school will be proceeding with next steps in the evaluation process.

#### **F. Parent Request for Evaluation**

Parents may request an evaluation for special education. When the school is made aware of this request, the following steps need to be implemented within 10 days of the request:

- The school's special education case managers and the Director of Student Services shall be informed.
- Call the parent or guardian to set up a meeting to review and discuss parent concerns.
- Prior to meeting, the case manager will gather academic, attendance and behavioral data on the student.
- Have a meeting with the following required meeting participants: Parent, Special Education Case Manager, psychologist or other appropriate specialist and Administrator (as the district representative).
- A clear explanation that informs the parent or guardian of how the school will be proceeding with next steps including two possible outcomes:
  - A referral to CARE Team (if that has not already occurred) with a plan that continues or begins interventions related to the parent's concerns
    - Case Manager will send a Prior Written Notice (PWN) documenting why the district is not moving forward with evaluation immediately.
  - The beginning of the 60-day Evaluation process
    - Case Manager, in consultation with the district psychologist, will complete the evaluation

planning process, including having parents sign a consent for evaluation to start the process.

### **G. Initial Evaluation Process**

Beginning in the 2022-23 school year, all case managers will use the Evaluation Planning Packet in TieNet. As a minimum, case managers will use the Review of Existing Information, Referral Team Meeting Notice, Meeting notes, and Consent for Evaluation forms to document the discussion and determination of every evaluation (including re-evaluation).

The initial evaluation process often is initiated by the CARE Team process (the CARE Team process flowchart is attached as Appendix A). The CARE Team process is not a special education process; however, the referral may lead to a special education evaluation and placement, but it should not be assumed. Evaluations can also be initiated by parent request or other team members and should start by gathering information identified in the CARE Team process for the Evaluation Planning Meeting. Requests for evaluation must be responded to within 10 school days with an Evaluation Planning Meeting or Prior Written Notice of district decision.

### **H. Re-Evaluation Process**

Beginning in the 2022-23 school year, all case managers will use the Re-Evaluation Planning Packet in TieNet. As a minimum, case managers will use the Review of Existing Information, Referral Team Meeting Notice, Meeting notes, and Consent for Evaluation forms to document the discussion and determination of every re-evaluation.

### **I. Eligibility Statements**

Eligibility Statements are used only to establish and to re-establish eligibility and the need for special education services. This determination is made only after a full and comprehensive evaluation of the student is complete. Parents will be given a copy of the eligibility statement(s).

### **J. Checklists of Required Eligibility Documentation**

#### **Intellectual Disability (10)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. An individually administered standardized intelligence test administered by a qualified professional.
3. An adaptive behavior scale.
4. A developmental history of the student.
5. A medical statement or health assessment indicating whether there are any sensory or physical factors that may be affecting the student's educational performance.
6. Assessments to determine the impact of the suspected disability.
7. Additional assessments necessary to identify the student's educational needs.

#### **Deaf or Hard of Hearing (20)**

1. The team has reviewed existing information, including the child's cumulative records; previous individualized education programs or individualized family services plans; evaluations and information provided by the parent/guardian(s); current classroom-based, local, or state assessments; classroom-based observations; observations by teachers and related services providers; medical, sensory, and health information. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. Audiology assessment.
3. Conductive Hearing Loss only: medical examination indicating the hearing loss identified by an audiologist is determined to be untreatable.

4. Sensorineural Hearing Loss only: documentation indicating the hearing loss identified by an audiologist is determined to be sensorineural.
5. Any additional assessment(s) necessary to determine the impact of the suspected disability, if applicable.
6. Any additional evaluation(s) or assessment(s) necessary to identify the child's developmental or educational needs, if applicable.

#### **Visual Impairment (40)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and any previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. A vision examination by a person licensed to practice optometry by an appropriate state authority or a physician who specializes in ophthalmology licensed by an appropriate state authority.
3. A functional vision assessment conducted by a teacher of the visually impaired to identify the child's educational and compensatory needs, including a functional assessment of the child's residual visual acuity or field of vision.
4. Any additional assessments determined by the evaluation team to be necessary to determine the impact of the suspected disability.

#### **Deaf/blindness (43)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. Eligibility for special education as a student with vision impairment.
3. Eligibility for special education as a student with hearing impairment.
4. For a student who meets the minimum criteria for either hearing impairment or vision impairment, but demonstrates inconsistent or inconclusive responses in the other sensory area, a functional assessment by an educator of the vision or hearing impaired, as appropriate.
5. For a student who meets the minimum criteria for either hearing impairment or vision impairment, and has a degenerative disease or pathology that affects the acuity of the other area, a medical statement or health assessment as appropriate.

#### **Speech Language Impairment (50)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. A speech and language assessment.
3. For a student suspected of having a voice disorder, a medical statement.
4. A medical or health diagnosis (for other than a voice disorder) when needed.
5. An evaluation of or screening of hearing acuity and, if needed, a measure of middle ear functioning
6. An evaluation of the student's oral mechanism, if needed.
7. For syntax, morphology, semantics, or pragmatics, comprehensive standardized tests or other evaluation data, a language sample or other data.
8. For a voice disorder, a voice assessment scale.
9. For a fluency disorder, an observation in at least two settings.
10. Assessments that are necessary to determine the impact of the suspected disability.
11. Additional evaluations or assessments that are necessary to identify the student's educational needs.

### **Emotional Behavior Disability (60)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. An evaluation of the child's emotional and behavioral status, including (when appropriate) a developmental or social history.
3. A medical statement, completed by a physician, or a health assessment statement, issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.
4. Two behavior rating scales, at least one of which is a standardized behavior measurement instrument:
5. Two observations by someone other than the student's regular teacher, one in the classroom and one in another setting.
6. Other assessment(s) to determine the impact of the disability.
7. Additional evaluations or assessments that are necessary to identify the student's educational needs.

### **Orthopedic Impairment (70)**

1. The team has reviewed existing information, including information from the parent(s), the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. A medical statement or health assessment statement indicating a diagnosis of an orthopedic or neuromotor impairment or a description of the motor impairment.
3. A standardized motor assessment, including the areas of fine motor, gross motor, and self-help, when appropriate, by a specialist knowledgeable about orthopedic or neuromotor development.
4. Assessments to determine the impact of the suspected disability.
5. Additional assessments that are necessary to identify the student's educational needs.

### **Traumatic Brain Injury (74)**

1. The team has reviewed existing information, including the child's cumulative records; previous individualized education programs or individualized family services plans; evaluations and information provided by the parent(s)/guardian(s); current classroom-based, local, or state assessments; classroom-based observations; observations by teachers and related services providers; medical, sensory, and health information. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. Medical Examination (indicating a traumatic brain injury) or a Guided Credible History Interview.
3. Psychological Assessment(s).
4. Developmental History.
5. Other assessment(s) including, but not limited to, motor assessments if the child exhibits motor impairments; communication assessments if the child exhibits communication disorders; and psychosocial assessments if the child exhibits changed behavior.
6. Other information relating to the student's suspected disability, including pre-injury performance and a current measure of adaptive ability.
7. An observation in the classroom and in at least one other setting.
8. Any additional assessment(s) necessary to determine the impact of the suspected disability, if applicable.
9. Any additional evaluation(s) or assessment(s) necessary to identify the child's developmental or educational needs, if applicable.

### **Other Health Impairment (80)**

1. The team has reviewed existing information, including information from the parent(s), the student's

cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.

2. A medical statement or a health assessment statement indicating a diagnosis of health impairment or a description of the impairment, and that the child's condition is permanent or is expected to last for more than 60 days.
3. Assessments to determine the impact of the suspected disability.
4. Additional assessments that are necessary to identify the student's educational needs.

*Note: Other Health Impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, nephritis, rheumatic fever, and sickle cell anemia.*

### **Autism Spectrum Disorder (82)**

1. The team has reviewed existing information, including information from the parent/guardian(s), the child's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. A developmental history as defined in OAR 581-015-2000(8).
3. Information from parents and other knowledgeable individuals regarding the child's historical and current characteristics that are associated with an autism spectrum disorder, including (a) deficits in social communication and social interaction across multiple contexts; and (b) restricted, repetitive patterns of behavior, interests, or activities.
4. Three observations of the child's behavior: at least one of which involves direct interactions with the child, and at least one of which involves direct observation or video of the child's interactions with one or more peers in an unstructured environment when possible, or with a familiar adult. The observations must occur in multiple environments, on at least two different days, and be completed by one or more licensed professionals knowledgeable about the behavioral characters of autism spectrum disorder.
5. A social communication assessment conducted by a speech and language pathologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission, in reference to developmental expectations and that address the characteristics of autism spectrum disorder to develop a profile of: functional receptive and expressive communication encompassing both verbal and nonverbal skills; pragmatics across natural contexts; and social understanding and behavior including social-emotional reciprocity.
6. Standardized autism identification tool. One or more valid and reliable standardized rating scales, observation schedules, or other assessments that identify core characteristics of autism spectrum disorder.
7. A medical examination or health assessment shall be completed for children age 3 to 5 for initial eligibility determination.
8. Vision and hearing screening. Review existing screening, or if none conduct a new screening.
9. Any additional assessments that may include: measures of cognitive, adaptive, academic, behavioral-emotional, executive function/self-regulation, or sensory processing necessary to determine the impact of the suspected disability on the child's developmental progress for a child age 3 to 5 or the child's educational performance for a child age 5 to 21.
10. Any additional evaluations or assessments necessary to identify the child's educational needs.
11. The team must have documented evidence that the child demonstrates a pattern of characteristics defined as all three social communication deficits, and at least two of the four restricted, repetitive patterns of behavior, interests, or activities.

### **Specific Learning Disability (90)**

1. Review of existing information from a variety of sources, including the parents, teacher recommendations (including Oregon state assessments, if available), the student's cumulative records, previous IEPs or IFSPs, teacher collected work samples, and information about the child's physical condition, background, and adaptive behavior. Evaluation report includes relevant information from these sources used in the eligibility determination.
2. An assessment of the child's academic achievement toward Oregon grade-level standards.
3. An observation of the child's academic performance and behavior in a regular classroom setting, or in the case of a child less than school age or out of school, an observation in an age-appropriate environment. (Describe relevant behavior noted during observation, and its relationship to academic functioning in evaluation report.)
4. Progress monitoring data: (described in evaluation report).
5. If using a response-to intervention (RTI) model: List scientifically-based interventions attempted (based on the district's RTI model) and describe the child's response in the evaluation report.
6. If using a model based on student's strengths and weaknesses: Evaluation of the child's strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development. Results described in evaluation report.
7. If deemed necessary by the team, Pattern of Strengths and Weaknesses assessment.

### **Developmental Delay (98)**

1. The team has reviewed existing information, including information from the parent(s), previous testing, medical data, the student's cumulative records, and previous individualized education programs or individualized family service plans. Evaluation documentation includes relevant information from these sources used in the eligibility determination.
2. Developmental History as defined in OAR 581-015-2000(8).
3. A norm referenced, standardized test in at least two areas of suspected delay.
4. At least one additional procedure to confirm the child's level of functioning in each area of suspected developmental delay.
5. A minimum of one 20-minute observation of the child.
6. Other evaluative data used by the team.

### **K. Termination of Special Education Services or Eligibility Process**

Before determining that a student is no longer eligible for special education or related services, the district must complete a reevaluation (see Re-evaluation section of manual), except when:

- The student becomes ineligible because of graduation with a regular high school diploma; or
- The student becomes ineligible due to age.

### **L. Revocation of Special Education**

- Parents and/or students 18 and above have the right to withdraw or revoke consent for special education services. Parents or students must submit this request in writing. When the request is submitted, contact the Director of Student Services for assistance in writing a Prior Written Notice.

## Section 3: Individual Education Plans (IEPs)

### Components and Procedural Safeguards

*\*When the pronoun “you” is used hereafter, it is being addressed to special education case managers.*

#### **A. Where to begin?**

The IEP should reflect the decisions made at the team meeting and serves as a contract between the school system and the parent/guardian(s). For that reason, the document must clearly communicate to the parent/guardian(s) the needs of their child; the steps the school district will take to address these needs; and the progress their child is expected to make during the set IEP period. The IEP must also be written in generally understandable language and free of educational jargon.

The IEP does not serve as a guarantee of progress. However, school districts must be aware that IDEA clearly states that a school district must make a good faith effort to assist the student in making progress towards the IEP goals. The district’s task is to correctly identify the student’s handicapping condition(s) and to provide a free and appropriate education (FAPE) that allows the student to receive reasonable benefit from their educational program. To write an IEP, you must invite the members of the team, prepare the documents, review the plan with the assembled team, finalize the documents, distribute the documents, and implement the plan as developed.

#### **B. Bringing the Team Together**

The IEP must be reviewed every 365 days. Period. Without Exception. Missing this deadline results in a violation of procedural rights for the student and exposes our district to censure by the Oregon Department of Education. We can avoid this by planning and anticipating the deadlines. Begin at least six weeks in advance of the deadline to schedule the meeting so that there is time for potentially rescheduling the meeting should the need arise.

#### **C. General Logistics of Scheduling**

- Set up year-long IEP calendar
- Six weeks prior to meeting, contact parent/guardian and other members of the team for availability. Document attempts to contact/schedule with parent/guardian in the TietNet “Events” section of a student’s profile.
- Send meeting notice at least 10 days prior (unless parent/guardian waives 10 day notice) to the meeting in parent/guardian native language.
  - If you are unable to contact the parent by email or phone to set up the meeting, send a notice via certified mail and document in the TietNet “Events” section of a student’s profile.
- Multiple attempts, using a variety of communication modalities, must be made to the parents in order to schedule a meeting that would include them. All attempts must be documented.

#### **D. Notice of Meeting**

The Notice of Meeting provides a written invite to the parent/guardian and tells them what the team will discuss. All meeting notices must be provided in parent/guardians native language. At the meeting it’s important to conduct all the functions that are noted on the notice. If you don’t do all that you had indicated that you would, then you must document why you didn’t do something that you had planned. This can be done in the meeting minutes (e.g., the parent/guardian had an emergency phone call and had to leave before eligibility was concluded).

It is difficult to coordinate a meeting for many busy people. Because it is so difficult, begin planning at least six weeks in advance.

#### **E. Required IEP Team Members**

- **The Parent/Guardian/Adult Student**
  - One or both parents (or “Parent Representative”) need to be notified of an upcoming IEP meeting when

addressing: identification, evaluation, IEP and educational placement of the child and the provision of a free appropriate public education to the child, or recovery services. The meeting must be scheduled at a mutually agreed time and place. This needs to be in writing and sent out within a “sufficient” amount of time (usually 10 days). The meeting should be confirmed with parents within a couple of days before to have the option of rescheduling the meeting if needed. If the parent/guardian cannot attend, you must ensure the parent/guardian participation, including offering the parent/guardian individual or conference telephone call or virtual meeting.

- If parent/guardian does not attend, after well documented attempts to schedule and/or after they have agreed upon time, the IEP may continue with the annual IEP meeting as scheduled. The case manager should continue to make attempts to engage the parent in the process, including reviewing the IEP content with the parent and rescheduling the entire IEP team to reconvene to address questions/concerns.
- If the parents of the student are divorced or separated, the primary guardian should be reflected in PowerSchool. If a case manager is not sure which parent to invite, they may seek clarification from their school’s office manager. If the office manager is not able to resolve this concern, case managers shall reach out to Director of Student Services for support.
- For students who are 18 or older, permission from the students to notify and invite parents or guardians needs to be obtained in writing.
- If the Home Language Survey states that the first language spoken by the parent/guardian is a language other than English an interpreter needs to be invited to the meeting. The interpreter needs to be able to interpret both school and special education information to the parent/guardian. Interpreters can be obtained by coordinating with individual school front offices.
- If the parent/guardian cannot be convinced to attend, there must be documentation to show:
  - detailed records of telephone calls made or attempted and the results of these calls;
  - copies of correspondence sent to the parent/guardian and any responses received.
- **District Representative**
  - The district representative is someone who is qualified to provide or supervise the provision of special education; who is knowledgeable about the general curriculum and district resources; and is authorized to commit district resources and ensure that services set out in the IEP will be provided.
  - Do not hold an IEP meeting without a district representative. If a school administrator is not available to attend, school administrations shall contact the Director of Student Services.
- **General Education Teacher**
  - A general education teacher is required if the student is going to be in the “general education environment.” This does NOT mean that a student must be in the general education class. If the student is having lunch, recess, goes to assemblies, etc., alongside typical peers then the student is participating in the general education environment. If you expect active discussion about inclusion or other education in a setting that is controlled by general education teachers, then the teacher should attend the IEP. The general education teacher should attend the IEP meeting for its entirety. However, the parent/guardian may agree to excuse a general education teacher during the meeting, if they so choose, which shall then be documented in the meeting notes.
- **Special Education Teacher**
  - This is the teacher providing or monitoring Specially Designed Instruction (SDI).
- **Case Manager**
  - The person responsible for developing and monitoring implementation of the IEP. May be the Special Education Teacher or other designated Licensed Staff.
- **Individual Who Can Interpret Instructional Implications of Evaluation Results**
  - This must be someone that is able to explain the assessment results.
- **Individual Knowledgeable About English Language Development**

- If the student lives with people who do not speak English as the primary mode of communication, then the student may be eligible for English Language Learner (ELD) services. If the student qualifies for ELD services, then someone knowledgeable about ELD is required to be at the meeting. If the team decides that the student would not benefit from ELD services, the decision and rationale must be documented in the present levels IEP and in the prior notice.
- **Others with Knowledge or Special Skills, as appropriate (e.g., Nurses, SLPs, OT/PT etc.)**
- **Students**
  - It is best practice to invite students to the IEP meetings, when applicable. The law requires that students 16 year or over be invited to the IEP meeting and must be documented on the IEP notice.
  - If the student does not attend, then the student's interests can be documented through results of interest inventories, interviews, and surveys. Information from these must be specifically noted in the IEP.
- **A Representative of Any Participating Agency that is Responsible for Transition Services**
  - The participation of any representative requires the consent of the parent/guardian (or adult student) before they are invited.
- **Building-Level Councilors**
  - Building-level councilors should be made aware of all IEP meetings as an optional attendee. Councilors will not be expected to attend unless specifically requested by the case manager because they may be administering social-emotional-behavioral SDI. Likewise, if a councilor recognizes an upcoming IEP meeting for a student that is currently receiving SEL or counseling support, it is expected that the councilor proactively reaches out and coordinate with the case manager. GSD councilors, under the guidance of case managers, may administer emotional/behavioral SDI goals.

## F. IEP Sections

The IEP document is designed to be a working document throughout the course of a year. Although a formal IEP meeting is held at least one time per year, multiple IEP meetings could be called by any team member throughout the IEP year, based on student needs and progress. There are two roles that the IEP document serves: one is compliance for IDEA and the other is implementation of best practices to provide students with quality services and support. The IEP document should have a logical flow throughout, meaning that there should be a clear connection from the present level to all other sections of the document.

- **Demographics Page**
  - The purpose of the demographic page is to provide current demographic information. Case Managers need to ensure IEP and eligibility dates and codes are correct. The IEP meeting is also a great time to review the contact information with the parent/guardian. It is very important that we keep our records up to date, so that in the event we need to contact the parent/guardian quickly we have accurate information. It also ensures that the parent/guardian gets program mailings and other materials.
- **Procedural Safeguards**
  - Make sure you still document in the meeting notes if the parent did not accept the Procedural Safeguards. The new box is to ensure that the parent/student was given the information in their native language or mode of communication they use.
- **Meeting Participants Page**
  - It is recommended that the case manager bring a blank meeting participants page to the IEP meeting, previously filled out with expected participants and several blank spaces for unexpected participants, to sign. After the meeting, create a duplicate page with typed names of attendees and attach to the IEP.
- **Meeting Minutes**
  - Meeting minutes are the record of the significant conversations and agreements that occurred during the meeting. They are used to capture a short summary of the conversation. Items that generated concerns, or points that were clarified should be elaborated upon so that future readers can understand what transpired. Other notable conversations that should be included are any related to the nature of

support necessary for a student to be successful. Meeting minutes should be sent to the parent/guardian as part of the IEP package.

- **Special Factors**

- Factors that are identified for a student should always be documented in both the present levels and service summary pages. Some of the special factors may also be documented within annual goals and additional plans, such as a behavior plan.

- **Behavior**

- Always marked “yes” if the student qualifies under Emotional Behavior Disability (60)
- Must have a Behavior Intervention Plan listed on the Service Summary and uploaded into TieNet
  - That is supported by a Functional Behavior Assessment
  - If the team determines a BIP is not required (not optional for ED eligibility), the PLAAFP and Service Summary documents how the behavior is supported otherwise
- Goals in the area of Behavior
- Specially Designed Behavior to support the Goal area (this is to teach EXPLICIT skills)
- Additional accommodations to support behavior
- Possible related service or support for personnel in the area of behavior (autism specialist, behavior specialist, district psychologist, etc.)

- **Limited English Proficiency: (See Dual-Identified section for additional information)**

- Qualifies for ELD
- Individual knowledgeable about ELD must be at IEP meeting
- Report Language Level and ELPA21 score
- Report how the student will participate in ELPA21 in the coming IEP year
- Accommodations
- Domain exemptions (cannot be exempted from all 4)
- PLAAFP addresses how limited English proficiency impacts their ability to access their education
- Consideration for accommodations on Service Summary

- **Communication**

- Must be marked for all students with an eligibility of ASD, as this is part of the ASD eligibility
- Must be marked for all students with a Speech Language Impairment
- Communication may be impacted due to another primary disability
  - Services may be provided by Speech Language Pathologist or ASD Specialist as a related service and documented on the service summary page
  - In some cases, the IEP team may determine that a specific communication goal is needed and would be documented in Specially Designed Instruction section of the IEP

- **Blind or Visually Impaired**

- Requires VI eligibility--consult with Vision Specialist for accommodations

- **Deaf or Hard of Hearing**

- Requires D/HH eligibility--consult with D/HH Specialist for accommodations

- **Assistive Technology Devices or Services: (See AT Section for Additional Information)**

- Always mark yes if a student requires technology to access their education:
  - Low-tech: PECS or other picture communication, visual systems/schedules, other simple switch-activated devices, token boards, etc.
  - High-tech: tablets, Chromebooks, Google Read Write and other add-on extensions, speech to text/text to speech, etc.

- Document in present level, service summary and other appropriate pages of IEP.
  - Consider training, goals, SDI for specific tech formats
- **Specialized Formats of Educational Materials**
  - If “yes” identify the alternate formats in the present levels and accommodations.
  - Braille, large print, audio, and/or digital text because of blindness or other disability prevents effective use of standard print materials.
- **Present Level of Student Performance**
  - A detailed, well-written statement of the student’s current functioning creates a picture of the student’s strengths and needs. These statements guide the IEP Team in identifying all services necessary to address the student’s educational needs related to his/her disability(ies). Statements, written in language easily understood by all IEP team members, should be based on relevant functional and developmental evaluation information, academic information, including information provided by the parent/guardian, and reflect the impact of the student’s disability on involvement and progress in the general curriculum
  - A clear linkage should be evident between the needs identified in the Present Levels statements, the annual goal statement(s), and all other services identified in the IEP. For students aged 16 or older when the IEP is in effect, the interests and the results of age-appropriate transition assessments must also be included in the statement of present level.
  - The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance levels state what the student can currently do and identify areas of learning opportunity. A clear description of grade level standards that non-disabled peers are working towards needs to be summarized in the present level that directly aligns to the goal. A description of where the individual student is currently performing in relationship to non-disabled peers needs to be provided. The priority needs of the individual student to move towards the grade level standards need to be outlined. The goals, written in S.M.A.R.T. format, should be created based on the identified priority needs for the student. The goals state what the student will accomplish by the end of the IEP period.
  - The current performance levels become the starting points for determining the goals and the goals become the end points for student accomplishment for the IEP period. It is important to be thorough in your statements to give as clear a picture of the student as possible. This begins with a review of progress on the prior year’s goals. While there will be many elements that are similar from year to year, it is inappropriate to copy the previous year’s PLAAFP statement verbatim.
- **Strengths, Interests, and Preferences**
  - Statements about the student’s strengths, preferences and interests are the beginning of the Present Levels of Academic Achievement and Functional Performance (PLAAFP) statement. Adopting a strengths-based perspective promotes more effective student learning. Additionally, it gives an optimistic, positive tone to the IEP. These strengths should go beyond character traits but include academic, social, behavioral, and functional strengths.
- **Input from Parents**
  - The concerns of the parent/guardian for enhancing the education of their child need to be included. If the parent did not attend the meeting, you still need to get parent input. Add a short phrase to identify how the parent/guardian’s concerns were obtained e.g., “In a phone call with the special education teacher, the parent said . . .”; or “On the parent survey the parent indicated . . .” During the meeting, remember that parents can give input or state concerns at any time. Please be sure to go back and add parent input as the meeting progresses. Also include this information in the meeting minutes.

- **Academic Achievement**
  - In each academic subject area, address current levels of Academic Achievement, including strengths (what the student can do) and concerns (areas of needed growth). Each academic area should also include most recent assessments (statewide, districtwide, standardized), needed accommodations/modifications for access, and how the student’s disability affects involvement and progress in the general education curriculum. If an academic concern is expressed in this section, there should be a corresponding goal in the area.
- **Functional Performance:**
  - In each area of Functional Performance, (e.g., activities of daily living, level of intellectual functioning, adaptive behavior, communication, etc.), address current levels of performance, including strengths (what the student can do) and concerns (area of needed growth). This area should also include results of the most recent evaluation. Indicate what support is needed for issues of personal care and hygiene. Describe the quality of the student's relationships with peers and adults, feelings about self, social adjustment to school and community environment and behaviors that may impede learning. Depending upon the needs of the student, additional information may be helpful in describing the student and their needs, such as:
    - Details regarding the expected rate of progress in acquiring skills and information and learning style
    - Information about the student's motor and sensory development, health, vitality and physical skills or limitations that pertain to the learning process.
    - Description of the nature and degree to which environmental modifications and human or material resources are required to address academic, social, and physical needs.
    - Indicate what opportunities outside of the classroom the student participates in, and the level of support (if any) required for successful inclusion. This area needs to be addressed even if the student is independent and no support is needed.
- **Transition/Post-Secondary:**
  - Beginning at age 14, or younger if appropriate, state long-term adult outcomes reflecting student’s needs, preferences and interests in Post-secondary Education/Training, Employment and Community Living. A course of study should be specific, listing classes the student will take to achieve their post-secondary goal. See the end of this section for more information regarding transition planning.
- **Statewide Testing**
  - All state assessments, such as ELA, Math, Science, ELPA21 and Kindergarten Testing need to be addressed in the IEP. The IEP team will determine necessary accommodations and/or modifications for each state assessment (see annual State Assessment Accessibility Manual), which must be listed on the accommodations and modifications page. IEP teams may need special considerations for the following:
    - **ELPA21:** For students participating in ELPA21, there are certain circumstances when a student may be exempt from specific domains of the assessment. See the Director of Student Services for consultation regarding specific students, as needed.
    - **Extended Assessment:** For students participating in the Extended Assessment, the IEP team must address this decision in the diploma options. IEP teams must also identify cut scores for Essential Skills using the state formula prior to the student taking the assessment their 11th grade year. See Resources for Oregon Extended Assessment Decision-Making Checklist.
  - If a parent or student chooses to opt out of state testing, still mark “yes” on the statewide testing page and add the appropriate accommodations. The family will follow the districts opt-out procedures, which is outside of the IEP process.
- **District-wide Testing**
  - IEP teams must ensure students with disabilities are included in district-wide assessment programs, with

the appropriate accommodations and modifications. District-wide assessments are defined as those that are administered to all students throughout the district or in each grade. Collaborate with general education staff to determine which assessments are administered for each grade level.

- **Annual IEP Goals**

- Annual goals are statements that describe what a student with a disability can reasonably be expected to accomplish within a 12-month period of the student's program. Measurable annual goals include timeframe, conditions, behavior, and criterion. Annual goals must be connected to data and needs identified in the Special Factors and the Present Level to enable involvement and progress in the general education curriculum. Goals must be rigorous and reasonably calculated to enable the student to make progress appropriate considering the child's circumstance, not whether it would be considered ideal.
- **Goals must be individualized and based on:**
  - Current performance with specific data
  - Rate of learning and
  - Academic and functional need
- **Team members may find it helpful to ask themselves the following questions:**
  - What components should be included in the goal?
  - What does it look like when the student achieves the goal? (Target Behavior)
  - How might the student demonstrate that the goal has been achieved? (Condition)
  - How will this demonstration be assessed? (Criteria)
  - What will be the data collection strategy to determine goal completion? (Measurability)
  - Will this skill be useful in more than one environment? Will it help the student access more than one general curriculum framework?
  - Will this skill make a big difference in the life of the student? Can this goal be used by more than one service provider?
  - Can this goal be achieved in one year?
- **Goal design:**
  - The goals must be linked clearly to the present level statement. Greater specificity in the current performance statements will result in clearer and more helpful goals.
  - Goals must be directly linked to baseline assessment data.
  - Goals should be attainable for the individual student within the duration of the IEP.
  - Goals should be skills based rather than be activity based.
  - Goals should be standards based, but they do not need to be an achievement goal.
  - Goals and objectives cannot stay the same year after year, should not be too easy for the student, and must be challenging.
  - Goals should not be curriculum specific but may identify the instructional approach or method.
- **SMART Goals: Specific, Measurable, Achievable, Relevant and Time Limited**
  - Well written goals describe what the child will do, when and how he'll/she'll do it, and what the time frame will be for achieving it. A measurable goal has three parts:
    - **Task-** Be very specific about the action. For instance: raise his/her hand for attention, use a classroom voice, read the Functional Sight Words, keep hands to him/herself, point to" I want, I need" augmentative symbols.
    - **Criteria-** Identify what determines the success of the goal. For instance, how many consecutive minutes will the child remain on task? How many times will they scoop food to their mouth? How quickly will the child transition between activities without hesitation and prompting? What percentage of accuracy? How often? Think about how the goal will be assessed.
    - **Conditions-** You need to provide a time frame or location/context for the goal. For instance: during one-to-one work time, while in the community, at snack and mealtime,

by the end of 2nd term, point to 3 picture symbols when something is needed.

- When writing goals, avoid vague, broad or general language. Goals that state “will improve independence, will improve his/her behavior, will do better in social situations” should be stated much more specifically. Indicate what the levels or benchmarks for success will be; or what the frequency or level of improvement to attain the new skills will look like; and indicate a time frame for when the improvement will occur. Using “will improve his/her behavior” is also not specific. Although you may want behavior improved, which specific behaviors are targeted first, along with when and how, are a critical part of the goal.
- With behavior goals, target the acquisition of the desired behavior rather than focus on reducing the undesired behavior. Gather baseline data on how often the child engages in the desired behavior at the time the goal is written. The degree to which they are expected to engage in desired behavior at the conclusion of the goal, should be an increase.
- Goal data must be reviewed regularly. Determine data collection methods after the goal has been developed. Goals need to be reviewed to ensure that the goal is 'achievable'. Setting a goal too high is almost as bad as not having a goal at all.
- Be sure to indicate what materials and/or resources will be used to achieve the goal. And, most importantly, make sure the IEP is based on priorities for the student.
- When you write your goals, the goal heading must match the specially designed instruction areas.

- **IEP Objectives**

- Teams are required to write objectives for students who take the extended assessment. Objects may be written for any student whose IEP team determines they are appropriate.
- IEP objectives provide benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period (e.g., an entire school quarter or semester.)

- **Measuring Progress**

- To effectively monitor student growth, special education teachers and other service providers are required to continually monitor student progress towards IEP goals. This expectation will be met through progress monitoring. Progress monitoring should occur on a data collection cycle appropriate for the needs and goals of individual students and always sent home after general education progress reports or report cards are sent.
- An exemplary progress report would not only include the description of student progress but also the adjustments to existing in-class strategies required to address any lack of progress. Progress reports may prompt the team to amend an IEP. If the lack of progress cannot be addressed through in-class adjustments, the team must consider why progress is not being made, and, if appropriate, the case manager must reconvene the team. The team must make IEP revisions and rewrite goal(s) to set a different and more attainable standard.
- If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals. If the student has met one or more of their IEP goals before their annual IEP review date, the team must reconvene to develop new goals.
- Progress towards IEP goals must be reviewed and shared in writing with the parent/guardian at the same time that the school building sends report cards to the parent/guardian of other students in the building. Progress reports must be developed in TieNet. It is not appropriate to document progress reports on alternative formats and upload.

- **Service Summary**

- The Service Summary documents the IEP Team’s decisions regarding necessary services for the student. These services must be based on peer-reviewed research, to the extent practicable. The intent is to indicate the services that will be provided to the student or on behalf of the child to allow the child to:

- Advance appropriately toward attaining the annual goals;
    - Be involved in and make progress in the general education curriculum;
    - To participate in extracurricular and other nonacademic activities; and
    - Be educated and participate with other children with disabilities and nondisabled children to the maximum extent appropriate.
  - The Service Summary should be written so that it's possible for everyone on the IEP team, including the parent/guardian and everyone who must implement the services,
    - To understand what the services will be,
    - Where the services will be delivered, and
    - How often the student will receive the services.
  - The Service Summary must include the consideration of all the following:
    - Specially Designed Instruction is the amount of time you are providing services directly related to the identified goal. This is different from the time the student is removed from the general education setting. SDI is the actual time spent instructing the student on skills identified in the goal and can be provided in the general or special education setting. SDI does not equal the length of a period, amount of time in a particular group or subject, practicing the skill, or working with a specific curriculum. SDI is the amount of specially designed instruction time required to make adequate progress on the goal.
      - If a special education case manager has a concern that students who receive special education services (Tier IV) are also being removed from their classroom for Tier II or Tier III intervention support, thus increasing the percentage of time in which said students are not in their least restrictive environment, and the total time away from their least restrictive environment (Tier II, III, and IV) exceeds their placement code (e.x. Code 30: 80% or more of the child's day shall be in their regular class setting), they are to voice this concern to their building administrator. If they do not believe their concern has been addressed, they may voice this concern to the Director of Student Services, who will engage in a conversation the appropriate building administrator on their behalf.
    - Specially Designed Instruction labels need to match the labels on the goal pages.
    - Document this information in a way that is easily understood. For example, 250 hours of math instruction per year is not easily understood. Instead, indicating math instruction will happen "30 minutes a week" or "15-minute session twice a week" is understandable.
- **Related Services**
  - Identify the supports necessary for a student to enable him or her to benefit from the specially designed instruction. Includes transportation and such developmental, corrective, and other supportive services as are necessary for a student to access their goals and education.
  - If team decides none are needed, indicate on Service Summary
- **Supplemental Aids and Services**
  - The amount and frequency of accommodations/modifications should be identifying how much time, when, and where the accommodations/modifications are required. It should not state as needed or throughout the day even for behavior support plans. If an IEP team determines that the student does not need modifications, the IEP still must indicate that this was discussed/considered by writing a statement such as "Team determined not needed". Do not leave this area blank on the IEP form.
    - Nonacademic Services
      - School districts must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in a manner to afford children with disabilities an equal opportunity for participation in those services and activities.
      - Nonacademic and extracurricular services and activities may include meals, recess

periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available.

- Accommodations
  - Indicate necessary support for the student to access their instruction. Accommodations are required supports or services that allow access. These are not lists of good teaching practices or strategies. Without the listed accommodations, the student would not be able to make progress or access the environment for educational benefit. The number of accommodations is individual to the student; however, lists of accommodations longer than 5 may require an additional support planning document, such as Health Protocol, Behavior Intervention Plan, etc.
  - The amount and frequency document should identify how much time, when and where the tool (accommodation) will be used. This should not read, “when needed,” “as requested,” “Throughout the day,” or “daily” even for things like BSPs and Sensory Plans.
  - Case managers are responsible for ensuring that all accommodations, regardless of setting, are provided as written on the IEP
  - Case managers are responsible for collaborating with IEP team members, including general education teachers, to determine appropriate accommodations.
  - Other specialized considerations may include:
    - Specialized Protocols/Plans should be included in this section, attached to the IEP, and uploaded to TieNet: Medical protocols, feeding protocols, behavior intervention plans, and sensory plans
    - Specialized equipment, like AT/AC devices, PT equipment, sensory materials, communication materials, etc., are also written into this section.
- Modifications
  - Changes to the intent of the instruction, assessment, measured outcome, or other content provided to or expected of all other students. When instruction or expectations of the student deviate from the grade level standard, it is possible that a modification may be needed.
  - When modifications are made to the general education curriculum, the team must discuss the possibility of modified diploma options starting in 5th grade.
  - Case managers are responsible for ensuring that all modifications, regardless of setting, are provided as written on the IEP
    - Case managers are responsible for collaborating with IEP team members, including general education colleagues to modify general education curriculum to meet the needs of students with disabilities.
    - Case managers shall collaborate with OT, PT, ASD Specialists when environmental modifications are needed.
- **Program Modification/Supports School for Personnel**
  - The amount of time the staff directly receive consultation in direct connection to the student’s individual needs. Training on devices, equipment, procedures, are documented here. These supports should directly assist the teacher/personnel in meeting a unique and specific need of the child and not to simply participate in an in-service training program that is generally available within the district.
- **Non-Participation Justification**
  - This essentially asks: why is the student being educated away from his/her typical peers? If the student will not be participating with non-disabled peers in all or part of the school day, the student’s IEP must indicate:

- The extent of this nonparticipation (e.g., the amount of time, a listing of specific classes and activities) and;
- It must include an individualized statement explaining why full participation is not possible. For clarity in implementing the IEP, state the removal time in the simplest terms possible e.g., the number of hours per day or week the student is removed.

- **Extended School Year**

- The purpose of extended school year services is the maintenance of the child's learning skills or behavior, not the teaching of new skills or behaviors. ESY services are a provision of Special Education and/or related services during the summer breaks for the purpose of maintaining progress on IEP goals which the student had previously acquired prior to scheduled breaks. ESY services are based on the student's IEP and are "student specific," or individually tailored programs.
- Teachers must collect data on all goals and objectives, identified in the current IEP, as they monitor progress throughout the school year. The regression and/or recoupment of skills or behavior, as identified in IEP goals are monitored before and after each scheduled school break. The definitions use for determining ESY include:
  - "Regression" means significant loss of skills or behaviors in any area specified on the IEP because 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.
- The decision of whether a student is eligible for ESY is determined by a student's ability to maintain or recoup skills on goals identified on the IEP during the current IEP period. While all students regress or lose some skills during a break, some students with disabilities experience a loss of skills or regression that is so great, it takes a significant length of time during the next school period to regain or recoup those skills. There are no set criteria for the regression/recoupment model, so all cases are decided on an individual basis. A student may qualify for ESY services, if the student has not recouped lost skills or behaviors identified in their IEP goals, using the following dates as a guide:
  - October 15<sup>th</sup> from Summer Break,
  - January 17<sup>th</sup> from Winter Break, and
  - April 8<sup>th</sup> from Spring break.

- The Oregon Department of Education has determined that ESY services:

Are...	Are Not...
<ul style="list-style-type: none"> <li>- To maintain <i>learned</i> skills</li> <li>- To target goals and objectives derived from the current IEP</li> <li>- Determined on an individual basis</li> <li>- Provided at no cost to families</li> <li>- Based on the needs of an individual student and therefore no specific amount of time is required (typically not the same as what the student may receive during the school year)</li> <li>- Available to any student eligible for them</li> <li>- Evaluated annually and are based on data collected during the current year to determine eligibility</li> <li>- Determined by an IEP team at an IEP meeting</li> </ul>	<ul style="list-style-type: none"> <li>- To develop new skills</li> <li>- A traditional summer school program</li> <li>- To meet newly developed goals and objectives</li> <li>- To make up for absences incurred during vacation, expulsion or suspension</li> <li>- Provided for the convenience of families, e.g. to substitute for daycare or to maintain the families' jobsecurity</li> <li>- To replace or duplicate alternative community services</li> </ul>

- **Gervais School District ESY Checklist**

- Data Collection and Progress Monitoring
- If the data tracked on the Regression/Recoupment Data Form is showing that ESY should be considered, please follow the following procedure:
  - Two Weeks Prior to the IEP meeting or ESY determination meeting, send the completed: Regression/Recoupment Data Form, Extended School Year Summary, and any accompanying data to the Director of Student Services for review.
    - If for some reason, there is not two weeks prior to the meeting for Director of Student Services to review ESY data packet, the team should determine that more information is needed to make a decision and indicate in IEP that the team will reconvene on or before May 10th to determine eligibility for ESY services.
    - Schedule an IEP meeting to discuss ESY inviting the Director of Student Services Director or designee. This needs to happen no later than the 10th of May.
    - At the meeting, complete the Parent Response Form.
    - After the meeting, send a Prior Written Notice with what was decided regarding ESY and any other changes made to the IEP.

- **IEP Timeline for ESY**

	<b>Due Date</b>	<b>Notes</b>
<b>ESY Packet</b>	2 weeks prior to determination	For students who are considered being marked “yes” for ESY, a packet must be completed and turned into the Director of Student Services. This packet includes: ESY Regression/Recoupment Data Form, ESY Summary Form, and any accompanying data
<b>ESY Determination</b>	May 10th	ESY is determined through the IEP team meeting process on or before May 10th. The determination is usually able to be made at the annual IEP. If the ESY determination is not made at the annual IEP meeting and more data is required, a meeting must be held by May 10th to determine ESY eligibility.
<b>Parent Response Form</b>	May 25th	After determining that a student qualifies for ESY, inform the parent that additional information about ESY logistics and a permission form will be sent by the Director of Student Services by the end of May. Parents may need reminders and help in order to complete the form.
<b>ESY Materials and Equipment</b> Curriculum & Curriculum Materials	June 10th	All ESY materials and equipment will be prepared and delivered to the Director of Student Services (or other agreed upon location).
<b>ESY Documentation</b>	September 1st	Upload ESY data and service documentation to TieNet and file in Green file.

\* Remember that a change in ESY determination will require a Prior Written Notice.

- **ESY Data Documentation Timeline**

	<b>Summer Break</b>	<b>Winter Break</b>	<b>Spring Break</b>
<b>Baseline</b>	May 16th - Jun 15th	Dec 13th - Dec 17th	Mar 7th - Mar 15th
<b>Regression</b>	Aug 30th - Sep 10th	Jan 4th - Jan 7th	Mar 28th - Apr 1st
<b>Recoupment</b>	Oct 18th - Oct 29th	Jan 18 - Jan 21st	Apr 12th - Apr 15th

- Just before each break, each goal on the IEP must have data on current performance. That same goal is reassessed (probed) within days upon return from break to determine possible regression. Then goals that demonstrate regression, must be reassessed regularly for recoupment. The student may qualify for ESY services if they have not recouped regressed skills on or before the dates listed above. The date ranges are correlated to the length of the break.

## **G. Transition Planning**

- **Transition Planning: IEP**

- For all students, starting at age 16, or younger when appropriate (best practice is 9th grade), and addressed each year thereafter until the student is no longer eligible for special education services, the IEP team must actively involve the student in developing his/her IEP. If the student’s 16th birthday will occur during the duration of the IEP, the IEP team must address postsecondary goals, courses of study, and transition services (Please see the Transition Services Flowchart and guidance on the following pages).

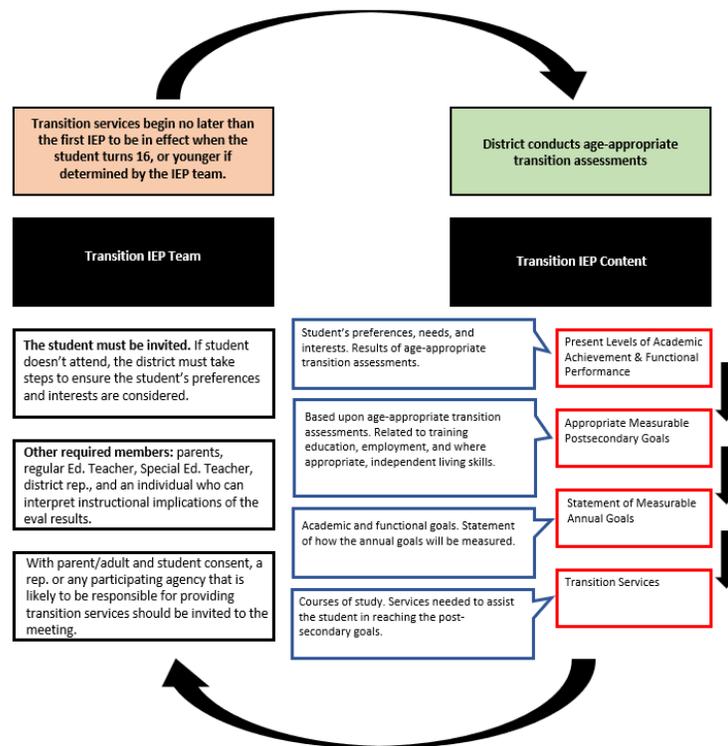
- **Transition Planning: Diploma Options**

- Diploma conversations begin by 5th grade. IEP teams document this on the meeting agenda page and in meeting notes. A diploma decision must be made no later than two years before the anticipated graduation date. IEP teams determine if a student’s diploma type is regular, modified, extended, or if the student will work towards a certificate of completion. Modified diplomas require parental or adult student consent. Use the Diploma Decision Consent Form to document the decision and consent. Diploma determinations may change over time if a student’s circumstances, supported by data over time, have changed. Earning an Oregon diploma (regular) ends a student’s right to FAPE; students earning modified, extended, certificates or GEDs are still eligible for services through age 21.

- **Transition Planning: Transfer of Rights**

- IEP teams must notify parents of Transfer of Rights two times:
  - First, at least one year before the student turns 18, parents and student must be notified that rights will transfer at 18 (See form in TieNet).
  - Second, parents and students must be notified at 18 that the rights did transfer.
- Procedural Safeguards must be provided to the parent and student when the Transfer of Rights notification occurs. If parents have legally retained guardianship of the student beyond age 18, and provided the district with appropriate documentation, document this in the Present Level or on the age-appropriate transition assessment section.

- **Transition Planning: Secondary Transition Annual Process**



- **Transition Planning: Age-Appropriate Transition Assessment**

- Age-appropriate transition assessment is the common thread for the transition process and development of IEP annual goals and services. Measurable postsecondary goals are based upon age-appropriate transition assessments. Information from formal and informal assessments is collected by the IEP team in needs, strengths, preferences and interests. Assessments may be informal or formal (observation, interest inventories, ACT, interview, etc.), but they should provide information about student's Preferences, Interests, Needs and Strengths (PINS) in relation to education/training, employment, and independent living. The measurable postsecondary goals are developed or confirmed, and assessment information is updated annually.

- **Transition Planning: Measurable Postsecondary Goals**

- Beginning no later than with the IEP that is in effect when the student turns 16, or earlier if determined appropriate by the IEP team, the IEP must include appropriate measurable postsecondary goals based upon age-appropriate transition assessment related to education/training, employment, and where appropriate, independent living skills. For some students, education and training may be the same goal if both are addressed. The goals must be measurable and written for after the student leaves K-12 education; if the student is in an 18-21 transition program, goals are written for after the student leaves the program.

- **Transition Planning: Transition Services/Activities**

- Transition services are a set of coordinated activities designed to be a results-oriented process that facilitates the successful movement from school to postsecondary living. These activities are based on student Preferences, Interests, Needs and Strengths (PINS). Transition services may include instruction, related services, community experiences, the development of employment and other post-school living objectives and, when appropriate, daily living skills. Transition services support progress towards the student's postsecondary goals and must be linked to transition assessments. These services are described on

the service summary page as instruction or related services, when appropriate, and are supported by a measurable annual goal(s).

- **Transition Planning: Course of Study**

- A course of study is a current description of coursework and/or activities to achieve the student’s desired post-school goals, from the student’s current to anticipated exit year. This is not a description of graduation requirements, and the areas of study must be directly linked to postsecondary goals. Please see the following ODE guidelines “Best Practices” example:

10 <sup>th</sup> grade	11 <sup>th</sup> grade	12 <sup>th</sup> grade	Transition Program
Horticulture	Horticulture II	Employability Training	Cashier/Money Skills
Weight Training	Geometry	Consumer Math	Community Center
English	Personal Health	Writing in the Workplace	Cooking Class

- **Transition Planning: Agency Participation/Collaboration**

- Transition services are designed to be a results-oriented process that facilitates the movement from school to postsecondary living activities that include adult services. Examples of agencies include Vocational Rehabilitation, Office of Developmental Disability Service, Brokerages, and others. Agency representation does not include school district staff, such as YTP counselors, Transition Specialists, or Transition Network Facilitators. Not every student will require agency participation. If agency participation is not required, document this decision by the team in Present Levels and Meeting Notes. Make sure that agencies are invited, with parent/adult student permission, to the meeting. Written consent (Release of Information) is required from the parent or adult student prior to inviting an agency representative to an IEP/Eligibility meeting. If a parent or adult student refuses consent, document the refusal in the meeting notes. If a representative was invited, but did not attend, and information was provided to the team regarding services, document the information on the transition services page and in the meeting notes.

- **Transition Planning: Post-School Outcomes (PSO)**

- High School Case Managers are responsible for exit interviews and follow-up exit interviews. Special Education staff will call each student on the exit list. The exit list is provided by ODE for each Case Manager. If not able to contact the student, Special Education staff must contact parents, friends, other relatives, etc. to complete the required compliance reports. Multiple modes and attempts of contacts must be clearly documented in the TietNet “Events” section of a student’s profile. Case Managers with this responsibility will receive yearly training.

- **Transition Planning: Present Levels of Academic Achievement and Functional Performance**

- Starting by 11th grade, the PLAAFP should also contain the information contained in the Summary of Performance.

## H. Prior Written Notices

- There are several conditions when a Prior Written Notice is given to the parent/caregivers. Prior Written Notice must be given to the parent/guardian of a child, and to the adult student after rights have transferred, within a reasonable period before a school district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child (FAPE). A Prior Written notice is given to ensure that the parent/guardian is aware of what is occurring with their child’s educational program. At a minimum, a PWN will be sent to the parent immediately after every IEP or eligibility meeting.
- The prior notice must be written in language understandable to the public; and provided in the native language

of the parent/guardian or other mode of communication used by the parent/guardian, unless it is clearly not feasible to do so. Or Prior Written Notices must be created in TieNet, original filed in the Green File, and sent to parent/guardian/adult student immediately following the proposal or refusal to initiate or change any aspect of identification, placement, or provision of FAPE.

#### **I. IEP Revision**

- There are times throughout the duration of an IEP that changes occur in a student's services and revisions need to be made. If a revision is major, hold an IEP meeting. If a revision is minor, follow the process for changing an IEP without a meeting.

#### **J. Changing an IEP Without a Meeting**

- The parent/guardian and district can agree to change the IEP without having an IEP meeting using the following steps:
- Contact parent/guardian regarding change and offer to make revision without a meeting. Document parent/guardian contact, actual or attempts, in the TietNet "Events" section of a student's profile.
- If parent /guardian agrees,
  - Have the parent/guardian sign the Written Agreement in advance of making the changes.
  - Once you have parent signed written agreement, revise the IEP, as appropriate.
  - Send a "Prior Written Notice" documenting the revision and a copy of the changed pages of the IEP together to the parent/guardian and any relevant team members.
  - Attach PWN and changes to the IEP in the Green file.
- If the parent/guardian does not agree to the proposed change or has significant concerns/questions, schedule a meeting.

#### **K. Finalizing the IEP**

- The IEP must be finalized once you have it ready for distribution. The district is committed to timely communication with parents. The finalization process must be completed within 10 days.
- Make revisions and set IEP documents to review.
- The case manager will review IEP and provide feedback via email or meeting.
  - If there are no edits required, the case manager will finalize.
  - If edits are required, the case manager will make them and then finalize.
  - If the edits are deemed to be substantial in nature, the case manager will send edited IEP to the Director of Student Services to review before it is finalized. If the case manager is not sure if the edits are substantial or not, he or she will consult the Director of Student Services on a case-by-case basis.
- Review Team will email Case Manager when IEP has been finalized
- Once the IEP is finalized, print and mail home.

## Section 4: Placement

### **A. District Placements**

A discussion of placement follows the IEP meeting. Technically this is a separate decision. However, when facilitating this discussion, keep in mind that the IEP team has already made determinations about best locations for services on the service summary. The discussion should be about the benefits and types of support necessary for success in the selected placement. Potential options are discussed, and the one that best meets the student's needs is selected. Remember, the team is not signing an agreement. They are signing that they participated in the placement discussion.

### **B. Least Restrictive Environment**

The Holland test (9th Circuit, 1994) established the framework for deciding whether the placement determination for a student is the least restrictive environment. If a team is considering a more restrictive placement, the four prongs of the Holland test should guide the team's discussion when making this decision:

**1. Academic Benefit:** The educational benefits available to the student in the regular classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special classroom placement.

Considerations:

- Academic benefit to the student from being in the regular classroom.
- Academic benefit to the student from being in an instructional setting outside a regular classroom.
- Progress on academic IEP goals and objectives in the regular classroom.
- Degree to which student would be able to participate in the general curriculum in a regular classroom, with or without modifications.
- Extent to which the district has considered or tried appropriate supplementary aids and services to support instruction in regular classrooms.

**2. Non-academic Benefit:** The nonacademic benefits of placement in a regular classroom. Considerations:

- Other educational benefits the student has or would receive from placement in the regular classroom in areas such as language, social skills, behavior, self-esteem.
- Progress the student has or would make on nonacademic goals in the regular classroom.
- Non-academic benefit student would have received in specialized classroom.
- The degree to which the student interacts with other students in the regular classroom.
- The degree to which the student acquires appropriate communication and social skills modeled by non-disabled students.
- The extent to which the district has considered or tried appropriate supplementary aids and services to support placement in regular classrooms.

**3. Disruptive Effect:** The effect of the student's presence on the teacher and other students in the regular classroom.

Considerations:

- The degree to which the student would disturb or distract other students in the regular classroom or otherwise disrupt the learning environment.
- History of unruly, aggressive, or assaultive behavior; injuries to others resulting from students or staff.
- The amount of time the regular classroom teacher would be required to devote to the child with disabilities.
- Efforts made by the district, including the 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.

**4. Cost:** The cost of "mainstreaming" the student in a regular classroom. Considerations:

- Additional cost of providing services in a regular classroom vs. prorated cost of providing services to the student in a special classroom, as it relates to the total school district budget.
- Impact of additional cost on district's ability to meet the needs of other children with disabilities.
- Rarely, if ever, is cost the basis for decision-making and may never be the sole factor in it.

### C. Placement Determination

- **Annual determination**
  - Placement must be determined at least annually and must be based on the student's IEP. Although placement is a component of the IEP, location of placement is not (see 'Process for Placement Changes' below).
- **Placement Meeting Participants**
  - Required participants include parent(s), a person knowledgeable about the child, a person knowledgeable about evaluation data and a person knowledgeable about placement options (district representative).
- **Continuum**
  - A continuum of placement options must be available to meet the needs of students with disabilities for special education and related services. The placement continuum includes:
- **General Education with Special Education Support**
  - This option is considered the least restrictive option for most students. It includes:
    - Specially designed instruction provided in general education settings or Resource Room.
    - Speech-language services provided in or outside gen education settings.
- **Functional Intensive Learning Center**
  - Academics combined with communication, personal and social skill training, job skills, etc.
- **Separate School/Program**
  - A separate school that serves only students with disabilities.
- **Home/Off-site Instruction**
  - This option is for students who are medically unable to attend a school program or who are in transition from one program to another.

### D. Process for Placement Changes

- Throughout the school year, a student may need a change of placement. This could be to an out-of-district placement or within our school district (one program to another). The flowcharts in this section outline steps that an IEP team needs to follow when considering a student's change of placement.
- Placement vs. Location - "Placement" means the type of placement and/or level of service, not the location or specific school or teacher. The IEP team decides the type of placement a student needs. Location is determined by the Director of Student Services (although parents may share their preferences).
- The IEP team reviews evaluation data and completes the IEP.
- The team lists the placement options to be considered, beginning with "general education with special education supports".
- For each of the placement options considered, the team discusses and documents on the IEP:
  - The benefits of placement.
  - The possible harmful effects on the child and/or on the services in this placement option.
  - The modifications/services considered to reduce the potential harmful effects. (Okay to refer to Service Summary Page)
- The team then documents which placement option is selected and the reason why each option was selected or rejected.
- Provide parents with a copy of the IEP and placement determination, meeting minutes, and any prior written notices from the meeting.

### E. Reduced Day

- When IEP Teams are considering reducing a student's school day, the below process must be implemented prior to a final decision being made. Team meetings and discussions need to be held within the IEP Team and Special Education Process.
- Considerations before reducing a student's school day:
  - Is the shortened day due to behavioral concerns?
    - Yes – Must first have an FBA and BIP with review and/or revisions
    - BIP must be based on the most current FBA

- If the FBA is out of date, it must be updated and revised
  - Has the BIP been implemented as written and with fidelity?
- Has the IEP team considered and/or attempted other supplementary aids and services that would assist the student in accessing a full day?
  - FBA and BIP
  - Temporary IA support
  - Different Classes
  - Alternative Schedule
  - Accommodations during transitions
- Have other classes been considered?
  - Special or self-contained classes
  - Alternative schedules with breaks
  - Sensory room/space/time
- How will a shortened day benefit the student?
  - Does the data collected reflect a pattern or predictability in a specific time of day when a student has difficulties?
  - Does the data collected outline the extent of a student's difficulties?
  - Is there a pattern or pattern of antecedents related to behaviors?
- The IEP team must create a plan using forms in TieNet around increasing the student's time at school with objective measures of when and by how much a student's time at school will gradually increase. (TieNet contains Parent Notice and Acknowledgement form and Step-Plan which are both required).
- Is this shortened day being considered for educational purposes?
  - What does the collected data suggest?
- A shortened schedule is a temporary intervention and support that must be documented via a Prior Written Notice as well as the following documentation on a student's IEP: Present Level, Meeting Notes, Meeting Agenda, Supplementary Aids and Services and Placement Page (this is a modification of the student's placement)
- IEP Team Reminders:
  - A change to the student's schedule will require a Prior Written Notice of Special Education Action and a revision to the IEP.
  - Documentation of this plan will live in the following places on a student's IEP: Present Level, Meeting Notes, Meeting Agenda, Supplementary Aids and Services and Placement Page (this is a modification of the student's placement).

## **F. Private School Placement**

- Private Schools: Child Find
  - The Gervais School District is responsible for conducting a thorough and complete yearly Child Find to determine the number of Parentally Placed Private School children with disabilities within the district's boundaries. The Student Services Director or designee is responsible for offering timely and meaningful consultation with each private school located within the district.
- Private Schools: Evaluation, Re-Evaluation, and Eligibility
  - All requirements for evaluation, reevaluation, and eligibility that apply to public school students with disabilities will also apply to private school students who are suspected of having a disability.
- Private Schools: Service Plan
  - Parents can choose not to accept public education in favor of their parental private school placement. When they make this choice, the district is not obligated to provide FAPE to the student. Rather, a Private School Service Plan is negotiated with the parent and a representative of the private school if the parent wants to access some special education services while the student attends the private school. In August of each year, the Director of Student Services will meet with representatives from each private school in the Gervais School District boundary. At this meeting, the Private Service Plan will be agreed upon.

- In a private school setting, the service plan replaces the public school's Individualized Educational Plan (IEP) form. In developing the student's service plan the district will:
  - Initiate and conduct meetings to develop, review and revise a service plan for the student.
  - Ensure that a representative of the private school is present at each meeting.
  - Ensure that the parent or legal guardian is present at each meeting.
  - Ensure the student's service plan describes the specific special education and related services that the district will provide.
  - Continue to review and revise the student's service plan at least one time per academic year.
  - Provide transportation from the private school to the service site of the public school if such services are documented on the student's service plan.
    - The district is not required to provide transportation from the child's home to the private school.
- One case manager, as determined by the Director of Student Services, will serve as the case manager for private school students and will be the primary point-of-contact for private school special education needs.

## **G. Homeschool Placement**

- Homeschool Child Find
  - The Gervais School District is responsible for conducting a thorough and complete yearly audit to determine the number of Parentally Placed Homeschooled children with disabilities within the district's boundaries.
- Homeschool: Evaluation, Re-Evaluation, and Eligibility
  - All requirements for evaluation, reevaluation, and eligibility that apply to public school students with disabilities will also apply to homeschool students who are suspected of having a disability.
- Homeschool: IEP for Homeschool Students
  - Parents can choose not to accept public education in favor of a home school setting. When they make this choice, staff should contact the district office and follow the guidance below:
    - As soon as the team learns of a parent's intent to homeschool, the case manager needs to communicate with the Director of Student Services.
    - The Case Manager will invite parents to an IEP meeting to discuss what, if any, services will be provided to the student in conjunction with homeschooling. It is possible that parents will refuse, but it is the obligation of the district to make the offer.
    - The IEP needs to meet all requirements for IEP team meetings, team membership and IEP content with the following exceptions
      - The parent shall be treated as both the parent and regular education teacher unless the parent designates another individual as the regular education teacher.
      - Under Non-participation section, state that the student is exempt from compulsory school attendance and regular education is provided through homeschooling; and
      - Clearly state how satisfactory education progress will be determined and reported for the student.
      - This could mean that the parent is providing data to the district, or that the district is conducting assessments and reporting back to the parent.
      - Under the Placement section, select code 41-Homeschool and indicate that it is a parental placement.
  - Case Manager will complete the Prior Written Notice in TieNet
    - If a parent refuses the IEP meeting, please contact the Director of Student Services
    - If the parent attended the IEP meeting, but refused services, contact the Director of Student Services.
    - If the parent attended the IEP meeting and services will continue, write a standard PWN outlining the actions of the IEP meeting, including the change in placement to homeschool.
  - Send PWN and IEP to review with an email to the Director of Student Services of and have finalized prior sending to parent with a copy of parental rights and revised IEP.
  - The Director of Student Services (or designee) will track and send parent letters annually.

- The case manager will continue to case manage for all timelines.

## **H. Charter School Placement**

- Parents can choose not to accept public education in favor of attendance at a charter school. When they make this choice, the district is obligated to provide FAPE to the student. The Child Find and Eligibility process is the same as in public schools. An Individualized Educational Plan (IEP) is developed in the same manner as a public school's IEP is developed.

## **I. Students returning from an Alternate Parental Placement**

- Regardless of reason of non-attending, when the student returns to school, the case manager will send a PWN to reinstate services.

## **J. Move-In Students**

- When the parents/guardians register the student at the district's Welcome Center, they will complete a form that indicates if the student is currently on an IEP, was previously on an IEP but has since exited from special education services, and a Home Language Survey that will determine if the student is, or was, identified as an English Language Learner. The Welcome Center will request a cumulative file transfer from the previous school, and if applicable, a copy of the student's most recent IEP, eligibility files, ELPA21 scores, etc. The Welcome Center will then share this with the Director of Student Services, who will in turn share it with the school's special education teachers, ELD teachers, and front office staff.
- When a student moves into Gervais School District with a current IEP from another district, a move-in file review must be completed.
- **In-State Move-Ins**
  - When made aware of a move-in student with an IEP coming from an Oregon district, the assigned case manager needs to review incoming student's special education file.
  - Review Eligibility Statement and Documentation
    - If it meets state requirements for eligibility, maintain current eligibility date.
    - If the documentation cannot be obtained, reevaluate to fill in missing requirements
    - If the eligibility is questionable, reevaluate and establish a new eligibility date
  - Check for Prior Notice and Consent for Initial Provision of Special Education Services
    - If the notice is in the file, no further action is needed
    - If the notice cannot be obtained, parents must sign a new consent before services are implemented.
  - Review IEP
    - If the IEP meets state and district standards, implement (send a prior notice of special education action).
    - If the IEP cannot be obtained, develop interim IEP and initiate reevaluation
    - If the IEP cannot be implemented as written, develop interim IEP and initiate reevaluation
  - Review Annual Placement
    - If Placement meets state and district standards, implement
    - If Placement cannot be obtained, it cannot be implemented. A new Placement determination must be made based on the IEP.
  - Send copy of move-in packet to the Director of Student Services including Move-In Form, Current IEP, Initial Consent for Placement, Consent for Evaluation, Eligibility and Eligibility report.
- **Out-of-State Move-Ins**
  - When a student moves into Gervais School District with a current IEP from an out-of-state district, a Move-In File Review, new eligibility, new IEP and new Initial Consent for Providing services must be completed. Use the Move-In File Review Form to complete the process. When complete, send copies of all move-in paperwork to the Director of Student Services, including the Move-In File Review form.
  - Teams must implement IEP services as soon as possible while completing the eligibility review and process.
  - The IEP Case Manager, in consultation with the district psychologist needs to review the incoming

student's special education file using the Move-In File Review Form and the Reevaluation Planning Form to determine if there is enough information to determine initial eligibility in Oregon.

- If the team decides, yes, there is enough information to determine Oregon eligibility, IEP team completes the following:
  - Oregon Eligibility Forms (attach Reevaluation Planning Form)
  - Prior Notice of Special Education Action
  - Oregon IEP
  - Placement
  - Initial Provision of Special Education Services
  - Meeting Minutes
  - Meeting Notice
  - Send copy of move-in packet to the Director of Student Services including Move-In Form, Current IEP, Initial Consent for Placement, Consent for Evaluation, Eligibility and Eligibility report.
- If the team decides, no, there is not enough information to determine Oregon eligibility, IEP team completes the following:
  - Consent for Evaluation
  - Test Descriptors Page
  - Referral Form
  - May need medical and/or release forms
  - Prior Notice and Consent for Initial Provision of Special Education
  - Move-In File Review with Out-of-State documents attached
  - Meeting Minutes
  - Meeting Notice
  - Send copy of move-in packet to the Director of Student Services including Move-In Form, Current IEP, Initial Consent for Placement, Consent for Evaluation, Eligibility and Eligibility report.
  - Upon completion of the evaluation (within 60 school days) the team will meet to determine Initial Eligibility, Consent for Initial Provision of Special Education, and develop an IEP.

#### **K. Graduation Process**

Graduation with a regular high school diploma constitutes a change of placement. A student who receives a regular diploma is no longer eligible for special education services. Persons aged 18-21 years, who are eligible for special education and have NOT received a regular high school diploma, are entitled to free educational services to assist in achieving IEP goals and objectives. A student without a regular diploma may be eligible for services until the end of the school year in which his/her 21<sup>st</sup> birthday occurs. The IEP team determines whether continued services, including transition services, can assist the student to meet the goals and objectives of the IEP.

- **School Districts have the obligation to provide Free Educational Services to students 18-21 Years of Age in the following manners**
  - Special Education Students with Regular Diploma or Students Who are Ineligible Due to Age:
    - Change of Placement
    - Send Prior Written Notice of Special Education Action a Month Prior to Graduation.
    - Summary of Performance.
    - No reevaluation required
- **Special Education Students without Regular Diploma**
  - The school district will provide services until the end of the school year in which the 21<sup>st</sup> birthday occurs.
    - The IEP team writes IEP goals and objectives if continuing services are needed.
    - The IEP team decides if continued services will assist in achieving the student's IEP goals and objectives.
    - If post-high education is potentially appropriate for the student, the case manager will collaborate with and invite the Transition Specialist to the meeting to assist in IEP development and planning.
    - Send Prior Written Notice of Special Education Action to terminate services a month before the

- end of the school year in which the student turns 21.
- Reevaluation is not required if termination occurs because the student is age 21.

**L. Miscellaneous Things to Remember About Placement:**

- The district remains responsible for meeting Child Find and IEP timelines (when applicable) for homeschooled students and those not enrolled in another district during COVID-19. This means we must offer to evaluate every three years, send annual PWN stating the district's readiness to serve, and hold annual IEP meetings if parents have continued services.
- If there are continued IEP services, then we are responsible for testing and reporting progress on IEP goals (unless clearly defined otherwise in the IEP), meeting annual IEP timelines and following all typical IEP procedures, as well as offering partial enrollment for regular education programming.
- Please include the Director of Student Services as the district representative.
- Parent Rights
  - At least annually at the IEP meeting, the Special Education teacher or Case Manager is required to provide the most current copy of ODE's Parental Rights Manual in the parent's native language. As part of the IEP compliance process, the Special Education Teacher or Case Manager is required to document this action on the agenda and in the Meeting Notes.
- Transportation
  - If a student requires specialized transportation, the Case Manager will contact the Director of Student Services. If the student requires general bus transportation, the Case Manager will contact the school office for route information.

## Section 5: Compliance

### A. IEP Service Times

- IEP services must be provided throughout the entire school year. This includes at the beginning and end of the school year. If an IEP team will not be providing IEP services throughout the entire school year, the building administrator and the case manager will need to consult with the Director of Student Services prior to the lapse of providing services to the student.

### B. Gervais School District Paperwork Processes

- As a special educator, timely and accurate paperwork is critical to ensuring a high level of services to students and families, instituting best special education practices and for remaining in compliance. The following grid is designed to support all special education staff in meeting these objectives.

### C. Paperwork Overview

Task/Event:	Timeline:	Required Paperwork:	Wrap up:
<b>Annual IEP</b>	At least once every school year; prior to the 365th day	<ol style="list-style-type: none"> <li>1. Completed IEP</li> <li>2. Meeting Notice (mailed out 2 weeks prior to IEP meeting)</li> <li>3. Meeting Notes</li> </ol>	<b>Within 10 School Days:</b> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet after being reviewed by the Director of Student Services</li> </ol>
<b>IEP Revisions</b>	There are times throughout the duration of an IEP that changes occur in a student's services and revisions need to be made. If a revision is major, hold an IEP meeting. If a revision is minor, follow the process for changing an IEP without a meeting.	<ol style="list-style-type: none"> <li>1. Parent/guardian must sign the written agreement in advance of making the changes</li> <li>2. Revised IEP pages</li> <li>3. Prior Written Notice documenting the revision</li> </ol>	<b>Within 10 School Days:</b> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet after being reviewed by the Director of Student Services</li> </ol>
<b>Placement Determination</b>	Placement must be determined at least annually and must be based on the student's IEP. Placement is separate from the IEP.	<ol style="list-style-type: none"> <li>1. Meeting Notice</li> <li>2. Meeting Notes</li> <li>3. Placement page*</li> </ol> <p><i>*Placement page should be attached to the current IEP</i></p>	<b>Within 10 School Days:</b> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet after being reviewed by the Director of Student Services</li> </ol>

<p><b>Re-Evaluation Planning</b></p>	<p>Beginning the 2022-23 school year, case managers will use the Evaluation Planning Packet in TieNet. As a minimum, case managers will use the Review of Existing Information, Referral Team Meeting Notice, Meeting notes, and Consent for Evaluation forms to document the discussion and determination of every evaluation.</p> <p>Case Mangers (or their designees) will complete file reviews, in cooperation with specialists if needed.</p> <p>This should happen at least 60 days prior to the due date of the three-year eligibility.</p>	<p>Evaluation planning packet that includes:</p> <ol style="list-style-type: none"> <li>1. Review of existing information.</li> <li>2. Meeting Notice</li> <li>3. Meeting Notes</li> <li>4. Consent for Eval and any other applicable forms</li> </ol>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Evaluation planning packet should be finalized in TieNet</li> <li>3. Copy of signed consent uploaded and attached to the packet</li> <li>4. Send copy of the packet and signed consent to the Director of Student Services.</li> </ol>
<p><b>Eligibility</b></p>	<p>Once every three years</p>	<ol style="list-style-type: none"> <li>1. Meeting Notice (mailed out 2 weeks prior)</li> <li>2. Meeting Notes</li> </ol> <p>Each Eligibility category has required paperwork, the “checklists of required eligibility documentation” can be found in the <i>Eligibility Statements</i> section of this manual</p>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet</li> <li>4. Upload evaluation report (and other signature pages or documents not already in TieNet) to TieNet</li> <li>5. Once all paperwork has been finalized, please send an email to the Director of Student Services with the student’s name, and info regarding the outcome of the eligibility meeting.</li> </ol>

<p><b>Initial Evaluation Planning</b></p> <p><i>*To start the process, email the Director of Student Services to have the student added to your caseload.</i></p>	<p><u>5-10</u> school days after documented referral or request</p> <p>Beginning in the 2022-23 school year, all case managers will use the Evaluation Planning Packet in TieNet. As a minimum, case managers will use the Review of Existing Information, Referral Team Meeting Notice, Meeting notes, and Consent for Evaluation forms to document the discussion and determination of every evaluation.</p>	<ol style="list-style-type: none"> <li>1. Documented referral or request.</li> <li>2. Evaluation Planning Packet that includes: <ol style="list-style-type: none"> <li>a. Review of student referral</li> <li>b. Meeting Notice</li> <li>c. Meeting Notes</li> <li>d. Consent for Eval</li> <li>e. Any other applicable forms</li> </ol> </li> </ol>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Evaluation planning packet should be finalized in TieNet</li> <li>3. Copy of signed consent uploaded and attached to the packet</li> <li>4. Send copy of the packet and signed consent to the Director of Student Services</li> </ol>
<p><b>Initial Eligibility</b></p>	<p>Conclusion of the Initial Evaluation process within 60 days of the date that parent/guardian signed consent</p>	<ol style="list-style-type: none"> <li>1. Meeting Notice (mailed out 2 weeks prior)</li> <li>2. Meeting Notes</li> </ol> <p>Each Eligibility category has required paperwork, the “checklists of required eligibility documentation” can be found in the Eligibility Statements section of this manual</p>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet</li> <li>4. Upload evaluation report (and other signature pages or documents not already in TieNet) to TieNet</li> <li>5. Once all paperwork has been finalized, please send an email to the Director of Student Services with the student’s name, and info regarding the outcome of the eligibility meeting.</li> </ol>

<p><b>Initial IEP</b></p>	<p>No more than 30 calendar days after initial eligibility</p>	<ol style="list-style-type: none"> <li>1. Completed IEP</li> <li>2. Meeting Notice (mailed out 2 weeks prior to IEP meeting)</li> <li>3. Meeting Notes</li> <li>4. Initial Consent for Provision of Special Education Services</li> </ol>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet after being reviewed by the Director of Student Services</li> <li>4. A copy of the signed Initial Consent for Provision of Special Education Services should be attached to the IEP Packet in TieNet</li> </ol>
<p><b>In-State Move-In</b></p>	<p>The Director of Student Services will notify case managers of any new move-in's</p> <p>There may be cases where a file will come with an IEP that we did not know about and/or the parent didn't disclose that the student had an IEP in their previous district.</p> <p>The student will be added to the appropriate caseload.</p> <p>Convene IEP Team within 10 school days to develop interim IEP.</p>	<ol style="list-style-type: none"> <li>1. Move-In File Review Form with copies of documents attached</li> </ol>	<p><b>Within 10 School Days:</b></p> <ol style="list-style-type: none"> <li>1. Original documents placed in the Green IEP File</li> <li>2. Copies sent to Parent/Guardian</li> <li>3. All documents finalized in TieNet</li> <li>4. Send copy of move-in packet to the Director of Student Services including Move-In Form, Current IEP, Initial Consent for Placement, Consent for Evaluation, Eligibility and Eligibility report.</li> </ol>

<p><b>Out-of-State Move-In</b></p>	<p>The Director of Student Services will notify case managers of any new move-in's</p> <p>There may be cases where a file will come with an IEP that we did not know about and/or the parent didn't disclose that the student had an IEP in their previous district. The student will be added to the appropriate caseload.</p> <p>Convene IEP Team within 10 school days to develop interim IEP.</p>	<p>1. Move-In File Review Form with copies of documents attached</p>	<p><b>Within 10 School Days:</b></p> <p>1. Original documents placed in the Green IEP File</p> <p>2. Copies sent to Parent/Guardian</p> <p>3. All documents finalized in TieNet</p> <p>4. Send copy of move-in packet to the Director of Student Services including Move-In Form, Current IEP, Initial Consent for Placement, Consent for Evaluation, Eligibility and Eligibility report.</p>
<p><b>Reminder:</b></p> <ul style="list-style-type: none"> <li>● Procedural Safeguards must be offered at each step in the IEP process in the parent/guardian's native language.</li> <li>● Signed permission (must be in parent's native language) from parent/guardian</li> <li>● Information provided to the parent/guardian needs to be in the parent/guardian's native language.</li> <li>● All original documents must be filed correctly in the Green IEP file</li> <li>● Instructional Assistants need to be cross trained in this process</li> <li>● If parents request IEP documents to be translated, contact the Director of Student Services.</li> </ul>			

**D. Green Special Education Files**

- The Green IEP Files are legal and official student records. The files are designed to meet ODE's Special Education service requirements. It is critical that these files are current and accurate so that our district can provide a high level of service to students and meet compliance requirements. All required documentation (i.e., IEPs, eligibility, progress monitoring, etc.) are generated in TieNet and copies are printed, signed when needed, and stored in the Green File. Follow organizational requirements below. All documents in the Green File should also be uploaded into TieNet.
- Confidentiality
  - To maintain student confidentiality, Green files need to be always stored in a fire-proof, locked file cabinet. It is at the discretion of the building administrator where these file cabinets are kept.
  - Each school is responsible to establish a sign-in, sign-out process for file access. The Green files should never leave the room they are stored in, unless taken by approved special education staff. Access to the Green files for non-special education staff is on a "need-to-know" basis and should only happen in unique circumstances. If non-special education staff need access to the Green file, their first point of contact should be the IEP case manager.
  - Green files and other original special education paperwork must never be taken home. If you will be working from home on paperwork, use the special education database and/or working files with copies.
- Keeping File Current
  - Within 10 school days of the students IEP and/or Eligibility, the Green file needs to contain all current IEP and/or Eligibility paperwork and sent to parents. Case managers may delegate the task of updating the student's TieNet Events file to reflect the date documents are sent to parents and filed.

- Compliance Reviews and Audits
  - Gervais School District believes that compliance begins in the classroom and at each student’s IEP meeting. To assure that students and families are provided with a high level of services, our district fully participates in ODE’s SPR&I system as well as our district’s internal IEP and Green file review and audits. All Special Education staff are responsible for district, state, and federal compliance for IDEA. As a result of this expectation, the district has implemented the following compliance process.
  - ODE Compliance: Systems Performance Review and Improvement (SPR&I)
    - Annually, ODE randomly selects student files for review (all charter school files are included)
    - An ODE Corrective Action Plan is shared with responsible Special Education staff
    - When Corrective Action Plans are completed, GSD submits a final SPR&I report to ODE
    - Corrective Action Plans may include staff professional development, review of policies and procedures and systems and process analysis.
  - Gervais School District Compliance: Internal Green File Review and Audit
    - Every IEP is reviewed for compliance prior to finalization by the case manager.
    - Throughout the school year, the Director of Student Services will randomly review Green Files.
    - Throughout the school year, the Director of Student Services will randomly conduct TieNet Reviews of Special Education Documentation and timelines.
- Our Green files are divided into seven sections with dividers. Each section should have the most current forms/packets on top, with each preceding document behind it. The table below indicates under which section documents should be filed. Case Managers are responsible for keeping their Green IEP files organized, however assistants should be cross trained in how to file documents.

SECTION	DOCUMENTS
<b>1. Referrals/Permissions</b>	<p>Initial Referral for Special Education Evaluation and Re-Evaluation</p> <ul style="list-style-type: none"> <li>● Prior Notice about Evaluation/Consent for Evaluation - This form should always be printed in English with the signed copy in the parent’s native language attached</li> <li>● WESD Request for Regional Services</li> <li>● Authorization to Use and/or Disclose Educational and Protected Health Information (HIPAA) - This form should always be printed in English with the signed copy in the parent’s native language attached</li> <li>● Developmental History</li> </ul>
<b>2. Eligibility</b>	<p>The most current Eligibility documents should be the first document when you look at this section</p> <ul style="list-style-type: none"> <li>● Statement of Eligibility for each disability category - this should also include any supporting documentation i.e., TBI - Guided Credible History Interview.</li> <li>● Evaluation report follows the statement of eligibility it supports</li> <li>● Medical Statement or Health Assessment Statement (if applicable)</li> </ul>

### 3. IEP

#### Individualized Education Program:

- Cover Page – make sure all demographic and date fields are filled in AND signatures are on all of the specified team members lines as indicated. If the parent did not attend – it should indicate: “Parent did not attend”. Students are required team members once they reach transition age (16). IEP: Special Factors.
- Present Levels of Academic Achievement and Functional Performance
- For Age 16 and older only: Transition Services page
- Statewide Assessment
- Districtwide Assessment
- Goal page(s)
- Service Summary
- Special Education Placement Determination (Although this is not a part of the IEP, it should be attached to the current IEP)

The following forms should be filed behind the IEP they correspond with in terms of dates of service, as appropriate

- Written Agreement between the Parent and the District –IEP Team member attendance not required
- Written Agreement between the Parent and the District - Revisions to IEP other than at annual IEP meeting.
- Prior Notice of Special Education Action –can be a stand alone form or in conjunction with the Written Agreement listed above.
- Extended School Year Packet: IEP Team Decision, and Data and Recommendations page
- For Exiting Seniors/Graduates: Summary of Performance
- For students 16 and older: Notice of Transfer of Special Education Rights, and Notification That Rights Have Transferred
- Manifestation Determination
- Cover sheet of move-in file review

Prior Notice and Consent for Initial Provision of Special Education Services –always placed at the back of the IEP section (This form should always be printed in English with the signed copy in the parent’s native language attached)

Any relevant documents such as a Positive Behavior Support Plan, a copy of a tracking sheet, special data collection tool for behavior or social goals

Progress notes need to be stapled to the back of the current IEP. At the end of the life of the IEP, any duplicates should be shredded, and all progress should be attached to the IEP it corresponds with.

\*Any Written Agreement, Prior Notice, or Initial Consent should be printed in English with the signed copy in the parent’s native language attached.

<b>4. Meeting Notices</b>	All meeting notices should be placed in this section – English with the meeting notice in the parent’s native language attached
<b>5. Meeting Notes</b>	All pages of staffing notes, including the agenda, related to the same meeting should be stapled together in this section.
<b>6. Medical Protocols</b>	Medical Protocols, Health Alerts
<b>7. Other Agency Reports</b>	OHSU, CDRC, outside agency (for example: private speech/language pathologist)

- **Student Records**

- Gervais School District complies with all federal and state laws regarding student records. GSD's policies reflect this compliance requirement. Special Education student records specifically are housed in the Green IEP File. The school office maintains the student's cumulative file while the Special Education Teacher maintains the Green IEP.

**E. Family Educational Rights and Privacy Act (FERPA)**

- Under FERPA, a school may not generally disclose personally identifiable information from a minor student’s education records to a third party unless the student’s parent has provided written consent. There are some exceptions. One of the exceptions to the prior written consent requirement in FERPA allows “school officials,” including teachers, within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have “legitimate educational interest” in the information. Although the term “school official” is not defined in the statute or regulations, this office generally interprets the term to include parties such as: a teacher; administrator; board member; support or clerical staff; attorney; nurse and health staff; counselor; human resources staff; information systems specialist; school security personnel; and a contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services or functions.
- A school may disclose personally identifiable information from education records without consent to a school official: under this exception only if the school has first determined that the official has a “legitimate educational interest” in obtaining access to the information for the school.

## **Section 6: Other Important Topics**

### **A. How are case managers determined?**

A discussion of placement follows the first in-district IEP meeting for a student, either during their IFSP to IEP transition meeting preceding the start of their Kindergarten year or their transfer meeting as a new student to the district. At this meeting, the IEP team will make determinations about best locations for services on the service summary, and the discussion should be about the benefits and types of support necessary for success in the selected placement. Potential options are discussed, and the one that best meets the student's needs is selected. The appropriate case manager, at this point, will be identified, based on factors discussed and decided upon at this meeting. If needed, the Director of Student Services can make a final decision regarding case management responsibilities and caseloads within the district.

### **B. Attendance and Withdrawal**

- Gervais School District supports and encourages all students to have high and consistent attendance at school. GSD also recognizes that some students will have inconsistent or low attendance due to a variety of factors. GSD staff working with students with low and/or inconsistent attendance will need to look at creative ways in which to engage the student in their academic work. These include positive and supportive communication with students and family and student attendance incentives.
- ODE requires a minimum of Instructional hours based on grade level. According to ODE, each school district shall ensure that at least 90% of all students in the district are scheduled to receive the following minimum hours of instructional time per school year:
  - Grade 12 – 966 hours;
  - Grade 9-11 – 990 hours;
  - Grades K-8 – 900 hours.
    - For any deviation from these instructional hours please refer to the Reduced Day information and process.
- **Process for Students Whose Attendance is Sporadic**
  - Case Managers should consult with their building administration to discuss students on their caseloads that have not received their SDI due to inconsistent attendance. It may be necessary to hold an IEP team meeting to establish whether the disability is affecting attendance.
    - If Yes: Develop an attendance incentive program or other solution to address the problem. Document the team's plan and attach it to the IEP.
    - If No: Document steps taken to improve attendance in the student's file.
  - If a meeting is held, document in the meeting notes or on the IEP that the team agrees or disagrees the attendance problem is causing or contributing to the student's lack of progress.
  - When a student is not attending, the special education placement remains the same unless the IEP team decides a change of placement is needed to increase attendance. In that case, follow placement change process:
    - Reduced Day
    - Move to more/less restrictive environment
  - Place a copy of the student attendance record and any relevant parent communications in the IEP file.
  - GSD staff will continue to implement all IEPs to the best of our ability for students whose attendance is sporadic.
- **Process for Students Who Have Become 10-day Drops or Voluntary Withdrawal**
  - Parents or guardians that inform the school of intent to withdraw a student for any reason or when students have reached 10 days of non-attendance (e.g., intent to homeschool, move to another district or state, have not attended SDI sessions for 10 days, etc.) a stand ready notice is required immediately. When students have a pattern of attendance behavior that is likely to impact progress, a stand ready notice is required even if the school team or case manager continues to work with the family regarding

attendance issues.

- When a student reaches 10 days of no attendance or contact, case managers need to communicate with the Director of Student Services.
- The case manager will complete the Prior Written Notice in TieNet, which includes the statement: “GSD stands ready to provide a free appropriate public education if the student is re-enrolls in the district?”
- Send PWN to review with an email to the Director of Student Services and have finalized prior sending to the parent with a copy of parental rights and current IEP.
- The case manager will continue to case manage for all timelines unless the student enrolls in another district, and we have received a records request.
- The Director of Student Services, or designated case managers, will send annual notifications.
- **Attendance and Eligibility**
  - Initial Eligibility
    - Prior to informed consent, the CARE Team will need to address all aspects of the student’s attendance.
  - Re-evaluation
    - IEP teams cannot consider low and/or inconsistent attendance as a determining factor in changing a student’s eligibility.

### **C. Assistive Technology**

Assistive technology (AT) devices and services are a means of ensuring that children with disabilities can access their free and appropriate public education (FAPE). IEP teams are required to consider if a student needs AT devices or services. If the team determines that the student needs an AT device or services, it is included in the IEP and the school district has to ensure that the device or service is provided. Augmentative Communication is a type of AT but will be discussed separately because of its unique requirements.

- **Assistive Technology (AT) Device**
  - AT device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted such as cochlear implants, or the replacement of such device. This definition is very broad and can include anything from a pencil grip to an electronic augmentative communication system.
  - Basic Categories of Assistive Technology Devices:
    - Low tech tools: typically, things that do not require electricity. These can include slant boards, pencil grips, footrests, pictures, and symbols.
    - Mid-tech tools: these can include switches, environmental control, or static display communication devices.
    - High-tech tools: these tools are more complex than the previous categories and can include computers, tablets, software/apps, and augmentative communication devices.
  - Assistive Technology Service.
  - AT service is any service that directly assists a child with a disability in the selection, acquisition, or use of an AT device. This includes:
    - The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment.
    - Purchasing, leasing, or otherwise providing for the acquisition of AT devices by children with disabilities.
    - Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT devices.
    - Coordinating and using other therapies, interventions, or services with AT devices, such as those associated with existing education and rehabilitation plans and programs.
    - Training or technical assistance for a child with a disability or, if appropriate, that child’s family.
    - Training or technical assistance for professionals (including individuals providing education or

rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

- Examples of Assistive Technology Services:
  - Evaluating a student to determine if an AT device would help improve their ability to access their education.
  - Working with the student's IEP team to determine how to implement using an AT device for reading or writing.
  - Modifying a computer or tablet so that a disabled student can access it.
  - Programming an augmentative communication device or app so the student can use it across different environments.
- Documenting Assistive Technology Devices and/or Services on the IEP
  - IDEA requires us to "consider whether the child needs AT devices and services." This doesn't necessarily mean that an evaluation needs to be performed. "Consider" means that some discussion and examination of AT options took place at the IEP meeting. From that discussion there are four possible outcomes:
    - The student's current interventions are working, and no AT is needed.
    - AT is already being used and is working fine.
    - The student requires some trials of new types of AT devices which may require an AT consultation.
    - The team needs more information to decide and the student will require an AT evaluation.
- If the student needs an augmentative/alternative communication (AAC) evaluation, see: "How do I refer for an AAC evaluation" below.
- Because an accommodation is whatever the special education student requires to ensure FAPE, AT devices should be documented in the Supplementary Aids/Services; Modification; Accommodations section of the IEP service summary. Only an AT or AAC evaluation should be listed under related service. In the IEP, the need for AEM, or Accessible Educational Materials will be documented separately in the special factors section of the IEP.
- **Writing Goals for Students Using AT Devices**
  - If the student is using AT devices or is starting a trial of AT, try not to include the devices in IEP goals. Goals should describe the educational or functional outcome that the student produces, not the method the student uses to achieve them. This is consistent with best practice on writing IEP goals/objectives, where we list the outcome, not the specific curriculum used to work on it.
- **Consulting with a Teacher on Using Assistive Technology to Help a Student Meet Their IEP Goals**
  - A student may need AT when that student is struggling to meet educational goals. If the teacher requires assistance determining if AT would benefit the student, the teacher can request an AT consultation from the AT Specialist. The AT consultant will meet with the teacher to review the IEP goals, discuss the difficulties that have occurred, and what has already been tried to improve the student's performance on their IEP goals. The AT consultant may need to schedule additional time to perform student observations or meet with the student's family to determine how best to proceed.
- **Evaluating a Student for Assistive Technology Devices or Services**
  - Who can perform an AT evaluation? Special educators and related service providers such as Occupational Therapists (OT), Physical Therapists (PT), Speech Language Pathologists (SLP) and graduates of accredited AT programs may be qualified to provide AT evaluations.
  - Who Should Review the AT Evaluation? The IEP team reviewing the evaluation should include people who are knowledgeable about the student, about the curriculum, about language (if there are communication concerns); about motor (if there is mobility, or fine motor concerns). The team will also need to include an administrator who can authorize uses of school district resources (this process typically requires contact with the Director of Student Services).

- How Do I Refer a Student for an AT Evaluation? Contact the Director of Student Services to request an AT consultation. He will work with your team to determine next steps.

- **Other Possible Questions**

- Do you have to consider AT when an IEP is reviewed or changed? Yes, the IEP team must reconsider the special factors, including AT, when reviewing the IEP.
- If we list an AT device on the IEP will our district have to pay for it? If the student's family has the AT device, and will allow it to be used at school, the district will not have to provide it (see further discussion below). Otherwise, the district will need to provide the device either by borrowing, renting or purchasing it. Contact the Director of Student Services prior to meeting.
- What if the device the student requires is expensive? If the student requires the device to receive FAPE, the device must be provided regardless of cost. The district cannot reactively deny AT based on the cost of the device. However, this does not mean that a less expensive alternative that achieves the same result cannot be used.
- Who owns an AT device when the district or ESD purchases it? The AT device belongs to the agency that purchased it. If the student changes districts, it does not go with him or her. The exception would be if the device belongs to the ESD, and the student moves to a district that is also served by that ESD.
- Can we use outside funding to pay for AT? Yes, there are no restrictions in the IDEA to prevent a district from using outside funding to purchase AT.
- Can an AT device go home with the student? The district cannot refuse to let students use AT devices at home if it is required to implement the IEP. The IDEA states that on a case-by-case basis, the use of school purchased AT devices in a child's home or in other settings is required; if the child's IEP team determines that the child needs access to those devices to receive FAPE. If this is the case, please contact the Director of Student Services for support. The form is a contract with the student's family and requires them to be financially responsible to replace it, if lost, stolen, or broken while it is outside of the school.
- What do we do if the parent already has recommendations for AT from an outside evaluator like a speech therapist or hospital that the IEP team doesn't agree with? According to the IDEA, school districts are not required to implement all recommendations provided by an independent evaluator. If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. If the IEP team can show, using appropriate procedures for evaluation, IEP development, and placement, that the student does not require the recommended AT to receive FAPE, then the district does not have to provide the AT.
- If the family owns the AT device needed for the student's IEP and it breaks, do we need to pay to have it repaired if the family can't? If the family-owned device becomes unavailable, the district must continue to implement the IEP by providing a substitute device, or by reviewing the IEP with all team members to determine if the device is still needed. In some cases, the district may choose to pay for the repair of the device because it continues to be needed to fulfill the IEP.
- Can AT be used during State-Wide Testing? Yes, but the accommodations that the student requires must be listed on the IEP, and the district testing specialist must know what they are before the student takes the tests, otherwise they won't be available. Please refer to the Oregon State Accessibility Manual for additional information.
- If students need accessible educational materials (AEM), previously called accessible instructional materials (AIM), how do we make sure they have access to them? Accessible educational materials are needed for students who are blind or vision impaired, or students who cannot hold a book or turn its pages or cannot decode the text or cannot comprehend the syntax. For those student accessible formats including Braille, large print, or electronic books may be needed. Please contact the Director of Student Services for assistance with AEM.

- **Documenting Assistive Technology in the IEP**

- It is essential that the IEP team clearly document the use of assistive technology by the student in the IEP. This documentation should list the AT supports, describe how they are used to meet goals and objectives, and identify accommodations and modifications in the school environment and for testing. The following guidelines identify locations of where documentation should be noted in the IEP and preferred terminology. Within the student's IEP, there are four places where Assistive Technology supports may be documented:
  - **Team Considerations Page (Special Factors)** - In this area, mark whether the student requires AT supports using the definition and examples above to assist the team in determination of this special factor.
  - **Present Level of Performance** - In the body of the IEP, the use of assistive technology as a tool should be described in relation to how it supports the student with a particular goal or objective, provides access to the educational environment or curriculum, or removes barriers to performance. This area may also serve to describe the support the student requires to use AT effectively in educational environments. It is important to identify both successes and challenges that may have occurred with the student using assistive technology.
  - **Accommodations/Modifications** - The specific AT devices or services should be described using general terminology of the How to Document Assistive Technology in the IEP purpose/function of the item and avoiding name brands.
  - **Annual Goal or Objectives** - An AT item may be mentioned within a goal when relevant, as in "using a modified keyboard, he will complete..." Specific measurable goals or objectives may also be generated to collect data on the use of a specific AT support. Use caution that the goal is not ultimately the use of the AT; rather, the use of AT should support the progress on an educational goal.
  - **Brand names and the specific features describing the item are appropriate in this section of the IEP.** The AT software and equipment used with the student should be written in the IEP using clear and descriptive terms. New teams should be able to look at an IEP and tell exactly what has been tried and if something was unsuccessful, what the challenging features were. You want to avoid duplication of trials with unsuccessful items. Present level can use exact names when it is important to show that level of detail. Matching an exact item may be appropriate in cases where change or generalization to a different support will affect success. Terms like SGD (speech generating device) are not specific enough. Is the kind or shape of the button important? Was the display static or dynamic? If the team considered features like size of button, number of choices, weight or mounting options to be relevant, then these details need to be reflected. Actual titles (Brand names) of assistive technology should be avoided in the accommodations section. There are several reasons why this is important. With the advances in technology and software development, more and more products provide similar features and support for students. When software is labeled in the IEP, it obligates the IEP team to provide that product alone, whereas other products may provide better support and flexibility. In the case where a student with a disability and family moves to a new school district, it allows the new IEP team to provide the same support without being restricted to one product system.
    - **Example:** Instead of the product name "Read and Write for Google," describe what the student uses the product for, such as voice dictation for writing. Or instead of the device name, like "iPad" describe what the student uses the device for, such as auditory reading support using text to speech.

#### **D. Behavior (Including FBA/BIP)**

Gervais School District believes in a proactive and supportive approach to addressing student behavior needs. Positive Behaviors Interventions and Supports (PBIS), Collaborative Problem Solving (CPS), and direct Social Emotional Learning

(SEL) instruction are the three systems GSD may implement in varying degrees to reach these objectives. Behavior issues should be viewed as skill gaps and a learning opportunity for students as well as a teaching opportunity for staff. Our district does not view behavioral issues as a purposeful intent of students to disrupt the learning environment. Our intention, therefore, is to teach student behavior in the least restrictive environment.

- **Discipline for Students with Disabilities**

- At Gervais School District, we are committed to treating all students with respect and dignity. We believe that the best way to deal with difficult behaviors is to prevent those behaviors from occurring. We can best accomplish this by:
  - Teaching routines and expectations
  - Creating safe and predictable environments
  - Interacting with students in ways that avoid power struggles
  - Empowering students with the ability to make choices
  - Accessing the function of students' behavior
  - Addressing lagging skills
  - Creating behavior intervention plans that are positive and specific
  - Gathering and reviewing data to use in creating and revising plans
  - Collaborating with families to plan interventions that are relevant
- Following best practices and procedures will result in positive outcomes in most cases. However, we also recognize that our population of learners with special needs is broad, and it is prudent to be prepared for all scenarios.

- **Discipline Removal for up to 10 School Days (consecutive or intermittent)**

- The district may remove a student with a disability who violates the Student Code of Conduct from the student's current educational placement to an appropriate interim educational setting or an out-of-school suspension for up to 10 school days in a school year in the same manner as student without disabilities. These removals are not considered a change of placement. The district will not provide access to special education and/or general education during this time.
- The district will complete a Manifestation Determination for students whose data reflects a pattern of discipline removals in an academic school year. For students who transfer from another Oregon school district, any days of suspension from the previous district will carry over to Gervais. Suspensions for a half day or less, count as a half day suspension. Suspensions for more than a half day, count as a full day suspension.
- Individual Education Plan (IEP) teams must determine on a case-by-case basis whether the series of removals constitute a pattern. If the team determines that there is a pattern of behaviors, the team will implement one or more of the following:
  - Classroom Observations by qualified staff
  - Safety Plan
  - Functional Behavior Analysis (FBA) and Behavior Support Plan (BSP)
  - File Review (conducted by the case manager or designee)
  - Consider evaluation planning, as appropriate

- **Discipline Removal beyond 10 School Days (consecutive or intermittent)**

- A discipline removal of more than 10 school days results in a change of placement. A Manifestation Determination needs to occur within ten school days of any disciplinary decision resulting in a change of placement for a student with a disability.

- **45 Day Alternative Safety Placement**

- There may be times throughout the school year that the IEP team determines it is necessary for a 45 Day alternative Safety Placement. Should an IEP team feel that a 45-day alternative placement is necessary, contact the Director of Student Services for next steps.

- **In-School Suspension**

- In-school suspension days do not count towards the ten-day rule as long as:

- The student is permitted access to the special education program written in his/her IEP; and,
  - The student is enabled to continue to participate in the general curriculum.
  - If these two provisions cannot or will not be met, the in-school suspension must be counted as any other day of suspension.
- **Protections for students not yet eligible for special education**
  - If the district has knowledge and/or suspects that a student is disabled prior to the disciplinary infraction, he/she is entitled to the same protections as a student on an IEP. The basis of knowledge would include:
    - The parent of the child has expressed concern that their child needs special education services in writing.
    - The parent has requested a special education evaluation.
    - School personnel have expressed specific concerns about a pattern of behavior from the child directly to the special services director or other administrator in the building where the student attends.
    - The student is in the process of being evaluated for special education at the time the behavior occurs.

### **E. Dual-Identified Students**

GSD serves many students who are identified as needing both Special Education and English Language Development (ELD) services in grades K-12. The district is required to remain in compliance with both Special Education and ELD regulations. ELD service must be provided for every student who qualifies and cannot be suspended. The mission of our school district is to have all students, regardless of disability, able to receive language development instruction at their individual level.

According to the National Center for Learning Disabilities, English learners (ELs) are subject to disparities in special education identification and that they may appear to have disabilities, based on assessment results, even if they do not have disabilities, due to the confounding effect of their English language abilities. The Center goes on to advise that when addressing significant disproportionality, it is vital to guard against overidentification of students for special education services, particularly ELs. Although case managers will conduct Child Find practices objectively and without bias, they will take precaution and do their due diligence to guard against this disproportionality regarding ELs and special education eligibility.

- **Does Dual Identification change the makeup of the IEP team?**
  - For dual identified students, the English Language Development (ELD) Coordinator or ELD instructor shall be invited and/or provide written input to the student's IEP.
- **Where on the IEP is it documented how ELD Services will be provided?**
  - In three places:
    - As a Special Factors that would be checked either 'Yes' or 'No'.
    - Present Levels.
    - In the meeting notes.
- **Should ELD services be a separate IEP Goal?**
  - No. ELD Services should not be written as separate goals. If a student has literacy-based goals (reading/writing) there will be some overlap into ELD services based on the individual needs of the student.
- **What about ELPA21 Testing?**
  - Students receiving Special Education support and services will participate in the ELPA21 assessment as determined by the IEP team. The IEP team will determine the appropriate and individual modifications and accommodations. Students may be exempted from participating in portions of the ELPA21.

- **Can a student participate in portions of ELPA21 but not the entire assessment?**
  - Yes. Based on a student’s specific disability and needs, the student may participate in the complete assessment or portions of the assessment. The IEP team will determine meaningful and adequate access to ELPA21 for student participation, based on student information and data.

**F. Interpreting and Translating**

- Use the following guidelines when scheduling interpreters for Special education meetings:
  - Access classified staff receiving the bilingual stipend through a school’s office manager
  - If there are none available, contact the Director of Student Services for assistance

<b>Gervais School District Meeting Process for Interpreting</b>	
Before the Meeting	<ul style="list-style-type: none"> <li>● Have an authorized interpreter scheduled for the meeting, two weeks in advance (when possible).</li> <li>● Connect with the interpreter to review any paperwork (key ideas highlighted) or content of the meeting (including vocabulary and acronyms) two or three days before the meeting.</li> <li>● Choose a signal to stop the speaker if he or she is speaking for too long.</li> </ul>
During the Meeting	<ul style="list-style-type: none"> <li>● Sit next to the parent</li> <li>● Always do consecutive interpretations.</li> <li>● Interpret ONLY what is being said</li> <li>● One person speaks at a time. No side conversations.</li> <li>● Everyone uses short phrases, no more than two or three sentences at a time.</li> <li>● Everyone speaks slowly and clearly.</li> </ul>
After the Meeting	<ul style="list-style-type: none"> <li>● Debrief to see how the interpreting process worked during the meeting.</li> </ul>

**G. Restraint and Seclusion**

Despite our best attempts, there will be a small number of occasions where a student may be an imminent danger to self or others that physical restraint or seclusion must be used. Gervais School District implements the MANDT model. After an incident involving a Restraint or Seclusion, use the following checklist:

- Notify the parent the same day of the event. (In the extraordinarily rare case in which a student is restrained/secluded for longer than 30 minutes a parent must be notified immediately).
- The incident report must be distributed within 24 hours to: Parent, Principal, the Director of Student Services, Case Manager.
- A debrief must be held within 2 school days of the incident. Required participants are: Staff involved in or supporting the restraint/seclusion, Administrator, and Case Manager. Parents must be invited. Debrief Form distributed to: Parent, Principal, the Director of Student Services, Case Manager.
- Case manager must check to see how many restraints/seclusions the student has had during the school year. If 5 or more, a meeting must be held including school personnel and parents to discuss the FBA and BIP to specifically discuss how to proactively prevent future restraints/seclusions.
- It is imperative that copies of all required forms are sent to the Director of Student Services, as the district is required to complete an annual report of the implementation of restraints and seclusions. All building administrators and special education staff should stay current on district policy and CPI training to best be prepared for handling these difficult situations.
  - Notify the parent the same day of the event. (in the extraordinarily rare case in which a student is

- restrained/secluded for longer than 30 minutes a parent must be notified immediately).
- The incident report must be distributed within 24 hours to: parent(s), principal, the Director of Student Services, and case manager.
- A debrief must be held within two school days of the incident. Required participants are staff involved in or supporting the restraint/seclusion, building administrator, the Director of Student Services, and the case manager. Parents must also be invited.
- Case manager must check to see how many restraints/seclusions the student has had during the school year. If 5 or more, a meeting must be held including school personnel and parent to discuss the FBA and BIP to specifically discuss how to proactively prevent future restraints/seclusions.

#### **H. Regional Service Providers and District-Contracted Specialists**

- Under a Local Service Plan (LSP), GSD contracts regional services through the Willamette Education Service District (wESD). This includes, but is not limited to, Speech Language Pathology (SLP), Autism Spectrum Disorder (ASD) support, and audiological support. Unless otherwise agreed upon by the Director of Student Services and the appropriate wESD department head, it is expected that all wESD regional service providers adhere to the language and spirit of this manual. If there is a concern or conflict between language in this manual and mandates from the wESD, regional service providers are expected to proactively engage in a conversation with their supervisor and the GSD Director of Student Services regarding that concern/conflict.
- GSD may engage in contracted services with specialists not employed by the wESD, such as a district psychologist or those providing special education support to private schools within the GSD boundaries. Like the expectation for wESD service providers, private contractors shall adhere to the language and spirit of this manual. If there is a concern or conflict regarding language in this manual, private contractors are expected to proactively engage in a conversation with Director of Student Services as soon as that concern or conflict becomes known to either party.

**I. Charter Schools.** For questions regarding Gervais School District Special Education Services and any charter schools associated with the district, see the Director of Student Services.

**J. TieNet “Events.”** Case managers or their designees shall use the TieNet “Events” tab of a student’s profile to document all forms of contact, actual or attempted, with individuals not employed by the Gervais School District (parent/guardians, primary care physicians, etc.) when discussing a student and their special education service needs. School counselors shall also follow this procedure and may leave their entries vague, as necessary, to maintain appropriate confidentiality.

**K. Autism Support, SDI, and Related Services.** Gervais School District lists Autism support under specially designed instruction rather than related services. Specially Designed Instruction is intended to teach a student the skills/strategies required for them to access grade level standards. SDI is intended to teach a student the skills/strategies needed for them to access their education. I make it easier to determine if there is a goal attached to the IEP for the eligibility and/or specific modifications and accommodations that teach a skill those fall under Specially Designed Instruction. However, related Services as supportive services that are required to assist the student with a disability to benefit or access special education (transportation, PT, OT, Deaf/Hard of Hearing, Nursing etc.) that often do not come with goals.

# Appendix A

## Gervais School District CARE Team Process

