

**Greater Albany SD 8J**  
**Board Policy**

Code: **IGBAJ**  
Adopted: 2/25/08  
Readopted: 5/11/09

**Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
  - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
  - b. Who have not graduated with a regular diploma;
  - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
  - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children enrolled in district charter schools.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents or guardians<sup>1</sup>, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents or guardians of the child.

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<sup>1</sup>As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-0005(18).

7. If a parent or guardian revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

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**Legal Reference(s):**

[ORS 338.165](#)

[OAR 581-015-2020](#)

[OAR 581-015-2530](#)

[ORS 339.115](#)

[OAR 581-015-2035](#)

[OAR 581-015-2600](#)

[ORS 343.085](#)

[OAR 581-015-2040 to-2065](#)

[OAR 581-015-2605](#)

[ORS 343.224](#)

[OAR 581-015-2050](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).