

Greater Albany SD 8J

Administrative Regulation

Code: **IGBAL-AR**
Adopted: 3/11/08

Special Education - Services for Home-Schooled Students with Disabilities

1. Home Schooling for Students with Disabilities
 - a. As soon as the district learns of the parent's or guardian's¹ intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent or guardian that it stands ready to provide a free appropriate public education if the student enrolls in the district.
 - b. The district offers and documents to the parent or guardian an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
 - c. This district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - (1) The student remains eligible for special education;
 - (2) The student is exempt from compulsory education as a home-schooled student; and
 - (3) The student is not receiving special education and related services from the district.
 - d. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
 - e. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - (1) The student's parent or guardian shall be treated as both parent or guardian and regular education teacher of the student unless the parent or guardian designates another individual as the regular education teacher;
 - (2) Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - (3) The IEP will state how "satisfactory educational progress" shall be determined for the student. A parent or guardian may use a privately developed plan (PDP) to determine

¹As used in this document, the parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 152.005 (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 581-015-0005(18).

satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent or guardian request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.

- f. The district ensures that:
 - (1) Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent or guardian and the district, and not more than once a year unless the parent or guardian and district agree otherwise;
 - (2) If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent or guardian refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent or guardian that the district stands ready to conduct the evaluation when the parent or guardian gives consent or makes the student available.
 - (3) If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.

2. Testing and Reporting Requirements

- a. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - (1) Completes the assessment; and
 - (2) Provides the parent or guardian with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age or disability.
- b. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent or guardian.

3. Child Find

- a. If the district suspects that a home-schooled student has a disability, the district:
 - (1) Obtains parent or guardian consent for initial evaluation; and
 - (2) Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
- b. If the student is eligible, the district notifies the parent or guardian and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.

- c. If the parent or guardian refuses consent, does not respond or refuses to make the student available, the district documents to the parent or guardian that the district stands ready to conduct the evaluation when the parent or guardian gives consent or makes the student available.

4. School Enrollment

- a. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.
- b. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.