Special Education - Free Appropriate Public Education (FAPE)

1. FAPE and Age Ranges

   The district provides special education and related services to all resident school-age students with disabilities, as provided below:

   a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
   b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
   c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
   d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

   a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
   b. 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 district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
   c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

   a. A student graduating with a regular high school diploma is no longer entitled to FAPE.
   b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular high school diploma.
   c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
   d. Graduation with an alternative document:

      (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.

(2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.

e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.

4. Incarcerated Youth

a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.

b. The district provides FAPE for students with disabilities ages 18 through 21 incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:

(1) Were identified as students eligible for special education; and
(2) Had an IEP.

c. The district's provisions of FAPE does not include:

(1) The requirements relating to participation of children with disabilities in statewide and district assessments.
(2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
(3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
(4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

   a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
   b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
   c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
   d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

   a. The district serves resident children with disabilities attending charter schools sponsored by the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
   b. The district convenes an IEP meeting as soon as possible following notification by the charter school that a student with a disability has enrolled.
   c. The district provides supplementary and related services on site at a district charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
   d. The district ensures that resident children attending charter schools not sponsored by the district are provided special education and related services in accordance with ORS 338.165.
   e. If a child with a disability enrolls in a charter school, the charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district charter school does not require an interdistrict transfer agreement.

8. Recovery of Funds for Misclassified Students

   The district ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

   a. Meet eligibility requirements under OAR 581-015-2130 to 2180;
   b. Have a current IEP that is being implemented;
   c. Are receiving a free appropriate public education;
   d. Are enrolled in the district.

9. Students with Disabilities Covered by Public Insurance

   With regard to services required to provide FAPE to a student with disabilities, the district:

a. Will not require a parent to sign up for or enroll in public insurance programs in order for their student with disabilities to receive FAPE under Part B of the IDEA;
b. Will not require parents to incur an out-of-pocket expense in order for their student with disabilities to receive FAPE under Part B of the IDEA; and
c. Will not use the student's benefits under a public insurance if that use would:

    (1) Decrease available lifetime coverage or any other insured benefit;
    (2) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
    (3) Increase premiums or lead to the discontinuation of insurance; or
    (4) Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.

10. Students with Disabilities Covered by Private Insurance

    a. Each time the district proposes to access a parent's private insurance proceeds, the district will:

        (1) Obtain parent consent (as defined in OAR 581-015-2090); and
        (2) Inform the parents that their refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent(s).

    b. The district may use its IDEA Part B funds for a specified service required to ensure FAPE if the district is unable to obtain consent to use a child's private insurance.
    c. If the parent would incur a cost for the school district's use of private insurance, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the private insurance (e.g. the deductible or co-pay amounts).

11. Accessible Materials

    a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
    b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

12. ESY as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR

13. Assistive Technology as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR