

Special Education - Participation in Individualized Education Program (IEP)**

1. General IEP Information
 - a. An IEP is in effect for each eligible student before:
 - (1) Special education and related services are provided to a student; and
 - (2) At the beginning of each school year.
 - b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
 - c. An IEP is implemented as soon as possible following the IEP meeting.
 - d. The district provides all the special education and related services, including program modifications, supports and/or supplementary aids and services, identified on the IEP.
 - e. The district makes a good faith effort to assist the student to achieve the annual goals and short-term objectives identified on the IEP. The district will not be held accountable if, despite good faith implementation, a student does not achieve the anticipated progress identified on the IEP.
 - f. The IEP will be accessible to each of:
 - (1) The student's regular education teacher(s);
 - (2) The student's special education teacher(s); and
 - (3) The student's related services provider(s) and other service provider(s).
 - g. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP.
2. IEP Meetings
 - a. The district initiates and conducts IEP meetings at least annually (every 365 days) for the purpose of developing, reviewing and revising an eligible student's IEP.
 - b. IEP meetings are conducted within 30 calendar days of determination that the student needs special education and related services.
 - c. Each eligible student's IEP is reviewed at least once a year to determine whether annual goals for the student are being achieved, and to make necessary revisions to address:

- (1) Any lack of anticipated progress toward annual goals and in the general education curriculum, where appropriate;
 - (2) Results of any reevaluation;
 - (3) Information provided about the student provided to, or by, the parent;
 - (4) The student's anticipated needs; and
 - (5) Other matters.
- d. The district conducts an IEP meeting any time it believes that a change in the IEP may be necessary to ensure free appropriate public education (FAPE) to the student.
- e. Parents may request a meeting at any time to review or revise the IEP if they believe that the district has not acted in good faith in developing or implementing the IEP, if they feel that the IEP is not effective or for any other reason for which a review would be appropriate.
- f. When the parent requests a meeting the district will either:
- (1) Schedule a meeting within a reasonable time; or
 - (2) Provide written prior notice of the district's refusal to hold a meeting.
- g. If a participating agency fails to provide agreed upon transition services contained in the IEP, an IEP meeting is initiated for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the IEP.
- h. The district provides prior written notice to the parent upon completion of the IEP, and before implementation of IEP services, if:
- (1) The IEP changes the provision of FAPE to the student (e.g., adding or discontinuing a special education or related service); or
 - (2) The IEP team refuses a parent request for a change in the provision of FAPE to the student.

3. IEP Team Members

- a. IEP team members include the following:
- (1) One or both of the student's parents;
 - (2) The student, when appropriate;
 - (3) At least one of the student's special education teacher or special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment;
 - (5) A representative of the district, who may also be another member of the team, who is qualified to provide or supervise the provision of special education and is knowledgeable about the general curriculum, and about program options, academic, nonacademic and extracurricular activities. A representative of the district will have the authority to commit district resources, and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who is knowledgeable about the student's disability, and who can interpret the instructional implications of the evaluation results;

- (7) At the discretion of the parent or district, other individuals, including related services personnel, as appropriate, who have knowledge or special expertise regarding the student;
- (8) The student if appropriate. The student is a required IEP team member beginning with the first IEP in effect when the student turns 16. The student must have the opportunity to indicate his/her preferences and interests during the IEP meeting when transition services are being considered. If the student does not attend the IEP meetings when transition services are being discussed, the district must take steps to ensure the student's interests and preferences are being considered;
- (9) For students of transition age, a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency does not send a representative to the meeting, the district must take other steps to obtain the participation of the agency in the planning of any transition services; and
- (10) If the district has referred or placed a student in an ESD, state-operated program, private facility or any other program, IEP team membership will include a representative from those agencies. Participation may consist of attending the meeting, conference call or participating through other means.

b. Participation of the regular education teacher:

- (1) If the student is, or may be, participating in the regular educational environment, the regular education teacher will, to the extent appropriate, participate in the development and review of the IEP. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate. The regular education teacher(s) will participate in discussions and decisions regarding:
 - (a) Participation in the general curriculum and in the regular education environment;
 - (b) Supplemental aids and services, program modifications and/or supports to be provided for the student or on behalf of the student;
 - (c) Appropriate positive behavioral interventions and strategies; and
 - (d) All portions of the IEP they may be implementing.

c. Attendance and Excusal

- (1) A member of the IEP team is not required to attend the IEP meeting, in whole or in part, if the parent of a child with a disability and the school district agree that the attendance of such a member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. The district must separately document this agreement in writing, retain the written submission in the student's education records, and the student's IEP should reflect no changes to that area of curriculum or related service.
- (2) A member of the IEP team may be excused from attending the IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the members' area of the curriculum or related services if the parent and the school district consent to the excusal, and the member submits in writing to the parent and to the IEP team input into the development of the IEP before the meeting. The district must separately document this agreement, and retain the written submission in the student's education records.

(3) The district representative is not excused under these provisions.

d. Alternate Means of Participation

(1) When conducting IEP team meetings, the parent of the child with a disability and the school district may agree to use alternate means of meeting participation, such as video conferencing and conference calls.

4. Content of the IEP

a. The IEP for each eligible student includes:

(1) A written statement of the student's present levels of academic achievement and functional performance. The statement:

- (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
- (b) Describes the results of any evaluations conducted, including functional and developmental information;
- (c) Is written in language that is understood by all IEP team members, including the parents;
- (d) Is clearly linked to the annual goal statement(s); and
- (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

- (a) Meet the student's needs that result from the disability to enable the student to be involved in and progress in the general education curriculum, as appropriate;
- (b) Meet each of the student's other educational needs that result from the disability; and
- (c) Clearly describe the anticipated outcomes, including intermediate steps that serve as a measure of progress toward the goal.

(3) A description of the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided.

(4) A statement of the special education services, related services, supplementary aids and services based on peer-reviewed research to the extent practicable, program modifications and supports for school personnel that will be provided to the student, or on behalf of the student. These services, modifications and supports are developed for the student to:

- (a) Meet the annual goals;
- (b) Be involved and progress in the general education curriculum;

- (c) Be involved and participate in extracurricular and other nonacademic activities; and
 - (d) Be educated and participate with other students, with and without disabilities, in academic, nonacademic and extracurricular activities.
- (5) For each special education service, related service, supplementary aid and service, program modification and support for school personnel that will be provided to the student, or on behalf of the student, a description of:
- (a) The projected date for initiation;
 - (b) Projected duration, or ending date;
 - (c) The anticipated amount and frequency; and who is responsible for implementation of all or part of an IEP; and
 - (d) The anticipated location.
- (6) A statement explaining the extent, if any, to which the student will not participate:
- (a) With nondisabled students in the regular academic class; and
 - (b) In nonacademic and extracurricular activities.
- (7) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district wide assessments of student achievement, including extended and juried assessments, that are needed for the student to participate in that assessment;
- (8) A student shall not be exempt from participation in state or districtwide assessment, including extended and juried assessments, because of a disability, unless the parent requested an exemption under OAR 581-022-0612;
- (9) If the team determines that a student will not participate in a general statewide and/or districtwide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the student and how the student will be assessed;
- (10) A statement of why the student cannot participate in the regular assessment and why the alternate is appropriate if the team determines that the student shall take an alternate assessment;
- (11) A statement that describes how the student's progress toward completion of the annual goals will be measured, and how this progress will be reported to parents at least as often as progress reports for nondisabled students are provided to parents. The progress reports will indicate:
- (a) The progress made toward completion of each annual goal during that reporting period; and
 - (b) The extent to which the progress will allow the student to meet the annual goals by the end of the IEP.

5. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student; and
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessment;
 - (4) The academic, developmental, and functional needs of the child.

- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.

- c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes his/her learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of reading and writing media, including evaluation of future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate; and
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the IEP in effect when the student turns 16 and updated annually thereafter appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including course of study) need to assist the student in reaching those goals;
 - (2) A statement that the student has been informed, at least one year before rights transfer that his/her rights will transfer to him/her upon reaching the age of majority.

6. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated.

7. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. Consideration of ESY services will not be limited to particular categories of disability, and will not be limited to a type, amount or duration of service.
- d. ESY services are available to maintain the student's skills or behavior; ESY services are not necessarily provided to teach new skills or behaviors.
- e. The district has established the following criteria for determining the need for ESY services:
 - (1) This criteria includes:
 - (a) Evidence of the student's regression and recoupment of skills and/or behavior, based on documented evidence; and
 - (b) Predictions regarding the student's regression and recoupment of skills and/or behavior;
 - (c) Regression means a significant loss of skills or behaviors that may result if services are interrupted;
 - (d) Recoupment means the ability to recover skills and/or behavior to a level that was achieved prior to the interruption of service.
 - (2) Additional criteria which may be used in determining the need for ESY includes:
 - (a) The nature and severity of the disability;
 - (b) The student's rate of progress, as evidenced through evaluation data and/or progress on the IEP;
 - (c) Availability of alternative resources;

- (d) The student's need to interact with other students with and without disabilities;
- (e) The need to provide continuing instruction and support in specific areas of the student's curriculum;
- (f) The need to provide continuing instruction in support of the student's vocational needs;
- (g) The nature of the services requested (e.g., services that may be extraordinary or integral to the program); and
- (h) Any skills that may be emerging or developing that would be lost without ESY services.

8. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, parents are liable for loss, theft or damage due to negligence or misuse of the devices. When the student is no longer eligible for special education services in the district, assistive technology devices will be returned to the district.