

Students with Disabilities - Child Identification Procedures¹

The ESD implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children the ESD is responsible for the evaluation(s) used to determine eligibility; Willamette ESD is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The ESD identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they have not failed, been retained in a course or a grade, and are advancing from grade to grade;
5. Homeschooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the ESD;
7. Attending a district charter school;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The ESD determines residency in accordance with ORS Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The ESD enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the ESD through the school year in which they reach the age of 21 if they have not graduated with a regular or modified diploma.

¹For programs and services provided to students for which the ESD is not considered the local educational agency (LEA), the ESD shall operate in accordance with local district policy.

The ESD shall annually submit data to the Oregon Department of Education regarding the number of resident students with disabilities who have been identified, located and evaluated are receiving special education and related services. The ESD conducts an annual count of the total number of private school children attending private schools located within the boundaries of the ESD, and a count of all children with disabilities attending private schools located within the boundaries of the ESD, in accordance with OAR 581-015-2465. The ESD reports any additional data to ODE required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

ORS 332.075	ORS 343.517	OAR 581-015-2190
ORS 338.165	ORS 343.533	OAR 581-015-2195
ORS 339.115 to -137		OAR 581-015-2315
ORS 343.151	OAR 581-015-2040	OAR 581-015-2480
ORS 343.157	OAR 581-015-2045	OAR 581-021-0029
ORS 343.193	OAR 581-015-2080	OAR 581-022-2315
ORS 343.221	OAR 581-015-2085	

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (2017).

Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).