581-015-2015 General Supervision (Proposed Replacement for [Compliance Monitoring OAR](https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=143147))

1. “General Supervision” means a system that enables the Department to ensure that the requirements of the Individuals with Disabilities Education Act, Oregon Revised Statutes, and Oregon Administrative Rules are being effectively implemented by school districts and programs to produce both results for children and students with disabilities and compliance with legal and regulatory requirements.
2. The requirements described in this rule apply to each school district or program involved in the education of children or students with disabilities.
3. School districts and programs involved in the education of children or students with disabilities shall undertake activities of General Supervision as directed by the Department, including but not limited to, the following activities:
   1. Development and review of policies and procedures that document compliance with the requirements in IDEA;
   2. Collection, validation, and submission of data on processes and results;
   3. Integrated monitoring activities, including but not limited to, district and program self-assessment, data collection, analysis and reporting, on-site visits, review of policies and procedures, review of the development and implementation of IEPs and IFSPs, improvement planning, corrective action, and auditing federal fund use;
   4. Participation in effective dispute resolution including but not limited to mediation as described in OAR 581-015-2335, due process hearings as described in OAR 581-015-2345, and state complaints as described in OAR 581-015-2030;
   5. Compliance with any corrective actions required through State complaints and due process decisions; and
   6. Participation in universal, targeted, and intensive technical assistance and professional development.
4. The Department may provide, or make available the provision of, universal, targeted, and intensive technical assistance, coaching, and professional development to support district and program capacity to meet general supervision requirements.
5. The Department shall notify any school district or program of any noncompliance identified through the General Supervision system, in writing, within three months of its identification. This notification shall include any required corrective action to be completed by the district or program and the timeline within which corrective action must be completed.
6. Notwithstanding section (5) above, the Department shall notify any school district or program of any noncompliance identified through the General Supervision system within 30 days of its identification when the Department determines that the noncompliance could cause a student to be denied 10 or more instructional days consecutively or cumulatively within any one school year, as compared to the majority of general education students who are in the same grade within the attending school district or program. This notification shall include any required corrective action to be completed by the district or program and the timeline within which corrective action must be completed.
7. In determining the corrective action the school district or program must complete, the Department may consider a variety of factors, including but not limited to whether the noncompliance:
   1. Was extensive or found in only a small percentage of files;
   2. Resulted in the denial of free appropriate public education, parent participation, or placement in the least restrictive environment as required by the IDEA; and/or
   3. Represents an isolated incident in the school district or program, or reflects a longstanding failure to meet IDEA requirements.
8. When a school district or program is notified of noncompliance, the school district or program must correct the noncompliance, including completing any corrective action required by the Department, as soon as possible, and in no case later than one year after it was identified.
9. Notwithstanding section (8) above, identified noncompliance must be corrected as soon as possible, and in no case later than 60 days after it was identified when the Department determines that the noncompliance could cause a student to be denied 10 or more instructional days consecutively or cumulatively within any one school year, as compared to the majority of general education students who are in the same grade within the attending school district or program.
10. To demonstrate that the school district or program has corrected the noncompliance identified by the Department, a school district or program must:
    1. Correct each individual case of noncompliance, unless the child or student is no longer within the jurisdiction of the school district or program;
    2. Implement changes to policies, procedures, and/or practices that contributed to or resulted in the identified noncompliance, if needed; and
    3. Submit updated data as required by the Department to document that the school district or program is correctly implementing the specific regulatory requirements related to the identified noncompliance.
11. The Department will verify correction of noncompliance based on evidence according to subsection (10) above, notify school districts and programs regarding correction status, and may require further action from school districts or programs based on the Department’s determination.
12. School districts and programs that do not complete corrective actions and correct noncompliance may be subjected to enforcement mechanisms, including but not limited to additional reporting requirements, technical assistance, a corrective action plan or improvement plan, and conditions on funding, and/or withholding funds, in whole or in part, by the Department.
13. The Department shall make determinations annually about the performance of each local education agency consistent with the requirements of the Individuals with Disabilities Education Act at 34 C.F.R. § 300.600(a)(2).

Statutory/Other Authority: ORS 343.041, 343.045 & 343.055

Statutes/Other Implemented: ORS 343.041 & 343.055 History:

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ODE 2-2003, f. & cert. ef. 3-10-03

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