Oregon's New Special Education Director Handbook

September 2021





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Introduction

The Oregon Department of Education's (ODE) Office of Enhancing Student Opportunities (OESO) was created to support programs and districts serving students experiencing disabilities from birth to age 21. To that end, OESO education specialists are assigned to serve as a "county contact" for the programs and districts within every county in order to support--through policies, procedures, and technical assistance—their respective continuous improvement and systemic change efforts intended to provide an equitable educational opportunity for each student. Click this link for a map of the Oregon Counties.

Purpose

The purpose of this manual is to provide information, guidance, and OESO staff contacts for key areas of responsibility of special education directors.

Directories

- ODE "Yellow Pages"
 - Search for ODE staff by topic in the ODE Yellow Pages. These Yellow Pages are also made available as part of the Oregon School Directory. If you cannot find the staff you need in the Yellow Pages, simply enter your topic into the ODE search field on our home page or contact us for assistance:
- Oregon School Directory
 - The Oregon School Directory is an online phone book listing phone numbers, addresses, and key staff people in all public schools and districts in the state. The Directory also contains information on Oregon Department of Education staff along with statistics on the number and composition of Oregon schools.
- School and District Profiles and Reports

General Information

Abbreviated (Shortened) School Day ORS 343.161

All students have a presumptive right to a full instructional day.

Under appropriate circumstances, students who experience disability can be placed on an Abbreviated (Shortened) School Day for a variety of reasons as determined by the student's IEP team, including as a means to address physical or mental health needs, following parent requests, or to address student behavioral needs. An Abbreviated (Shortened) School Day describes any educational placement determined appropriate by an IEP team for an eligible student that: (1) reduces their available instructional time below the instructional time requirements established by Oregon Administrative Rule (OAR) 581-022-2320, or (2) does not allow the student to access at least the same number of hours of instruction or educational services

that are provided to students who are in the same grade within the same school. This term may be used interchangeably with "Abbreviated Day Program" or "Shortened School Day Program".

An Abbreviated (Shortened) School Day should be used rarely and in conjunction with other behavioral interventions and supports to successfully build skills and reintegrate the student into a full day program as swiftly as possible. If an IEP team places a student on an Abbreviated (Shortened) School Day because of behavior, it becomes even more imperative that careful consideration is given to other, less restrictive interventions first.

Oregon's Abbreviated (Shortened) School Day statute, <u>ORS 343.161</u>, states that a school district may provide an Abbreviated (Shortened) School Day to a student with an IEP <u>only</u> if the student's IEP team takes all of the following actions:

- Provides the student's parents/guardians with an opportunity to meaningfully participate in a meeting to discuss the placement;
- Determines that the student should be placed on an Abbreviated (Shortened) School Day based on the student's needs;
- Documents that the team considered at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school; and
- Documents in the IEP the reasons why the student was placed on an Abbreviated (Shortened) School Day.

At least once per term, a district must provide written notice to, and obtain signed acknowledgement from, parents/guardians or foster parents regarding Abbreviated (Shortened) School Day requirements and processes. Please note that additional provisions of <u>ORS 343.161</u> apply to foster youth.

The ODE Abbreviated (Shortened) School Day Program Sample Notice and Acknowledgement form is available at: https://www.oregon.gov/ode/students-and-family/SpecialEducation/publications/Pages/abbreviatedschday.aspx

<u>Contact</u>: Lisa Bateman at <u>lisa.bateman@state.or.us</u> or 503-947-5655.

Annual Monthly New Director Call Topics

Assistive Technology for Students Experiencing Disabilities

The Oregon Technology Access Program (OTAP) provides training, information, technical assistance and resources regarding the uses of technology for children with disabilities. OTAP services are available to anyone concerned with the needs of Oregon's children with disabilities from birth to age twenty-one. The program is sponsored by the Oregon Department of Education (ODE).

Charter Schools

A charter school in Oregon is a public school operated by a group of parents, teachers and/or community members as a semi-autonomous school of choice within a school district. It is given the authority to operate under a contract or "charter" between the members of the charter school community and the local board of education (sponsor). Under Oregon law, a charter school is a separate legal entity operating under a binding agreement with a sponsor. A public charter school is subject to certain laws pertaining to school district public schools, is released from others and must operate consistent with the charter agreement.

Contact: Charter School staff

Data Collections

The <u>Special Education Data Collection (SEDC) webpage</u> provides information, resources, and links to data collections, public data reports, and other topics related specifically to Special Education data.

Contact: Jackie McKim or 503.947.5629

Diploma Options

In January of 2007, the State Board of Education voted to adopt new high school graduation requirements. These new requirements are designed to better prepare each student for success in college, work, and citizenship. To earn a diploma, students will need to successfully complete the credit requirements, demonstrate proficiency in the Essential Skills, and meet the personalized learning requirements. Students will also have the option to earn credit for proficiency. A phase-in schedule (2007 – 2014) has been created to allow students, families, schools and teachers to adequately prepare to meet these new requirements.

Contact: Sally Simich or 503.947.5639 Educational Programs

Dyslexia

In July of 2015, Senate Bill 612 was passed by the Oregon Legislature. SB 612 required the Oregon Department of Education (ODE) to designate a Dyslexia Specialist to provide school districts with support and resources to assist students with dyslexia and their families. The bill required the Department to develop and communicate annually a list of training opportunities for districts related to dyslexia. Additionally, SB 612 required each school district to ensure that at least one K-5 teacher in each K-5 school receive training related to dyslexia. SB 612 also required the Department to develop a plan to ensure that every student who is first enrolled at a public school in the state for kindergarten or first grade receives a screening for risk factors of dyslexia. The plan was developed and presented to the legislature in September of 2016. In the 2017 legislative session, new dyslexia legislation passed in Oregon. SB 1003 carries forward the dyslexia-related training requirements from SB 612, extending the deadline for completion of the training and includes requirements for districts to universally screen for risk factors of dyslexia in kindergarten. The bill requires the Department to develop guidance for districts regarding instructional support for students who

demonstrate risk of reading difficulties, including dyslexia. The Department is also required to submit a report to the legislature related to best practices for screening and instructional support.

Contact: Sarah Thorud or 503-510-9084.

Educational Programs

Sometimes circumstances require Oregon students in different settings. While in these different settings, the Oregon Department of Education ensures that the students are still provided educational services via agreements/contracts with school districts and educational service districts in Oregon. However, when students are placed in local or regional correctional facilities, the school district where the facility is located is responsible for providing an appropriate education (ORS 339.129 & OAR 581-015-2605).

Department of Corrections (DOC), Hospital Education Program, and Youth Corrections Education Program (YCEP)

Contact: Adam Henning or 503-947-5645

Juvenile Detention Education Program (JDEP), Long Term Care and Treatment (LTCT), and Pediatric Nursing Facility (PNF)

Contact: Sam Ko or 503-947-5745

English Learners (ELs)

The primary purpose of the English Learner Initiatives page is to assist our communities and educators with resources and updates that help our English Learners to succeed academically, and overcome barriers that impede their academic success:

<u>Contact</u>: <u>Kim Miller</u> or 503.947.5712

Equity-Based Multi-Tiered System of Supports (MTSS)

Equity-Based Multi-Tiered System of Supports offer students what they need, how they need it, when they need it, for as long as they need it. The Oregon Integrated Systems Framework (ORIS) helps districts to ensure that the structural supports are in place to support each and every student's learning by creating a structure to organize and allocate resources. Research demonstrates that when implemented with fidelity these systems help to increase the number of students experiencing disability who spend the majority of their day in general education settings, reduce rates of suspension, and improve outcomes for students. A healthy MTSS plays an important part in the pre-referral, referral, evaluation, and post-evaluation process. Equity-Based MTSS Webpage currently under development.

Contacts: Jennifer Eklund-Smith or 503.947.5611 and Sarah Soltz or 503.947.5752

Fiscal

IDEA Part B Flow-through Awards

Each Local Education Agency (LEA) in Oregon is allocated federal funds annually based on a formula outlined in the IDEA. Acceptance of these funds comes with certain conditions and requirements explained in detail in the ODE's IDEA Annual Application.

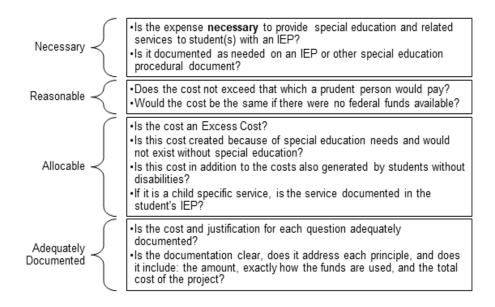
Excess Costs

Except as otherwise provided, amounts offered to an LEA under Part B of the IDEA may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs for the education of an elementary school or secondary school student with a disability that are in excess of the average annual per student expenditure in a LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. A LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services. For practical purposes, the LEA may spend IDEA Part B funds at the same time as it spends state, local, and other federal funds. However, the LEA must spend the minimum average amount per student by the end of the fiscal year to meet compliance. Each LEA is required to submit documentation annually showing their specific excess cost calculation. Please note: This is not the same as Maintenance of Effort (MOE). These are separate requirements with separate calculations. For a side-by-side comparison, please see this Center for IDEA Fiscal Reporting document.

Allowable Costs

For a particular cost to be allowed, it must be an excess cost of providing special education and related services. Only allowed costs may be charged to IDEA Part B or Preschool grants. For a specific cost to be allowed, the Oregon Department of Education relies on the Uniform Grant Guidance (UGG) at 2 CFR §§200.403 through 200.405 which states that costs must be necessary, reasonable, allocable, and adequately documented.

The ODE suggests that district staff review each of the following questions in the graphic below and if the answer to all of them is "Yes," then they can be reasonably certain that the cost is allowable.



Maintenance of Effort (MOE)

The MOE requirement obligates any local educational agency (LEA) receiving IDEA Part B funds to budget and spend at least the same amount of local — or state and local — funds for the education of children with disabilities on a year-to-year basis. The required MOE levels for budgeting and spending are referred to, respectively, as the "eligibility standard" and the "compliance standard." LEAs must pass the eligibility standard to be eligible to receive their IDEA Part B funds. LEAs must pass the compliance standard or risk repaying the ODE for the shortfall in expenditures. Please Note: this is <u>not</u> the same as Excess Cost. These are separate requirements with separate calculations. For a side-by-side comparison, please see <u>this Center for IDEA Fiscal Reporting document</u>.

Contact: James Foutch or 503.947.5776

Home Schooling

Contact: Annie Marges or call (503) 934-0787

Homeless Students

The McKinney-Vento Act's Education of Homeless Children and Youth Program, ensures that homeless children and youth are provided a free, appropriate public education, despite lack of a fixed place of residence or a supervising parent or guardian. The state public school admission statute assuring the right of homeless and other children and youth in similar circumstances to enroll in schools is ORS 339.115(7).

Every school district in Oregon has at least one designated Homeless Student Liaison to provide direct assistance to homeless families and unaccompanied youths to access and achieve in school. To reach a district liaison, contact the district's administrative office, or the state Homeless Education Program office.

Contact: Stacie Ankrum 503.947.5633

Legal

- Dispute Resolution
- The Individuals with Disabilities Education Act (IDEA): Code of Federal Regulations (CFRs)
- Oregon Administrative Rules (OARs)
- Section 504 of the Rehabilitation Act
- Procedural Safeguards: Parent Rights for Special Education
- Office of Special Education Programs (OSEP)
- Complaints/Conflict Resolution
 - o The Oregon Department of Education is required by the Oregon Administrative Rules to investigate alleged violations of the Individuals with Disabilities Education Act. The dispute resolution options detailed on this webpage are open only to parties seeking to resolve disputes arising under the IDEA. If you are seeking information about dispute resolution options for disputes arising under 504 of the Rehabilitation Act, please consult our Civil Rights webpage.
- Two non-profit organizations that may be a helpful resource to districts and/or parents:
 - <u>FACT Oregon</u> 1-888-988-FACT (3228). FACT is a parent-led organization able to support in special education advocacy.
 - <u>Disability Rights Oregon (DRO)</u> is an independent non-profit organization that maintains a mission of promoting and defending the rights of individuals with disabilities. DRO can be reached through their website or by phone at 800-452-1694.

Contact: Mike Franklin or 503.947.5634

OESO Year at a Glance

The Year at a Glance calendar is intended to inform Special Education Directors of key dates, documents, and deadlines for the fiscal year.

Parent Information & Training Center

Family and Community Together (FACT) has served as Oregon's Parent Training & Information Center (PTI) since 2012-13. We lead Regional Learning Summits and other trainings around the state and provide peer-to-peer support to help families navigate special education, service systems, person-centered planning, assistive technology, behavior support, and transition to adulthood. <u>FACT Oregon</u> 1-888-988-FACT (3228).

Private School

The Individuals with Disabilities Education Act (IDEA) and state law permit some special education and related services may be available for children with disabilities enrolled by their parents in nonprofit private elementary and secondary schools, including religious schools. These special education services, referred to as equitable services, differ from those available in public schools.

Contact: Joni Gilles or call (503) 947-5638

Regional Inclusive Services

The Oregon Department of Education contracts with local agencies to provide a statewide system of free services for young children with developmental delays and disabilities and their families, including:

Early Intervention (EI) -- Individually designed services for children birth to three and support for parents to enhance children's physical, cognitive, communication, social emotional and/or adaptive development; and Early Childhood Special Education (ECSE) -- Specially designed instruction for children ages 3 to the age of public school eligibility in the areas of communication, cognitive, social/emotional, adaptive and others.

Contact: Kara Williams or 503.947.5728 or Linda Brown or 503.947.5825

School Discipline, Bullying, Restraint and Seclusion

A school district's discipline policies and procedures must ensure due process protections for students and should provide a continuum of equitable, proactive, culturally responsive, instructional approaches to support students and all members of the school community in meeting expectations.

Like other states, Oregon has experienced significant and persistent disparities in the use of restraint & seclusion and exclusionary discipline of students based upon race/ethnicity, disability status and other factors. These trends warrant work toward proactive teaching and prevention strategies to mitigate exclusionary practices to assure equitable opportunities and outcomes for each and every student.

According to Oregon law (ORS 339.250), each school district's student handbook, code of conduct or other document shall:

- Define and helps create a learning environment that students respect;
- Define acceptable norms of behavior for students and the types of behavior that are subject to discipline;
- Establish procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
- Establish a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
- Make the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

According to Oregon law (ORS 339.250), with the exception of weapons violations, school districts are not required to impose suspension or expulsion. When suspension is imposed, by law schools and districts must:

- Take steps to prevent the recurrence of behavior and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
- The duration of an expulsion may not be more than one calendar year.
- The duration of a suspension may not be more than 10 school days.

Additional limits exist for the use of out-of-school suspension or expulsion for a student who is in fifth grade or lower.

Under the Individuals with Disabilities Education Act (IDEA), additional procedures apply in instances of discipline for students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e. students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation). 34 CFR § 300.354 (OAR 581-015-2440). It is vital to ensure that children with disabilities are properly identified for services, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements by disciplinary removals.

Educators, parents, students, and families can find information, training, technical assistance, and other resources to support schools and districts related to the topics of bullying, reducing the use of restraint & seclusion and minimizing exclusionary discipline at the following ODE site:

https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx.

Data Collection Reminder:

Data is required to be submitted to the ODE Discipline Incidents, Restraint and Seclusion Incidents and Seclusion Rooms Collections by all institutions, including those with zero incidents or rooms to report. Data for all students is reported to ODE, regardless of special education status.

Additionally, <u>OAR 581-022-2267</u> requires each entity that has jurisdiction over a public education program to make its annual report about restraint and seclusion available at the local level. Parents and guardians must be advised at least once each school year about how to access the report.

Contact: Lisa Bateman or 503.947.5655.

School Medicaid Billing

Oregon's School Based Health Services (SBHS) program allows a local education agency to enroll as a School Medical Provider and leverage Medicaid for reimbursement for eligible health related services provided to Medicaid-eligible children under the Individuals with Disabilities Education Act (IDEA. Covered services in Oregon may include, but are not limited to, nursing, physical therapy, occupational therapy, speech-language pathology or therapy services, psychological counseling and eligible transportation services.

ODE School Medicaid Billing Website

OHA School Medicaid Billing Website

Contact: Ely Sanders or 503.947.5904 and Jennifer Ross or 503-947-0504

School Health Services/ Related Services

The Individuals with Disabilities Education Act (IDEA) requires that school districts provide health services if needed by a student to access their public education. If a student qualifies under the IDEA and requires a health service, most often it is captured as a Related Service as defined by OAR 581-015-2000(29):

"Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes:

- Orientation and mobility services,
- Speech language pathology and audiology services,
- Interpreting services,
- Psychological services,
- Physical and occupational therapy,
- Recreation including therapeutic recreation,
- School health services and school nurse services,
- Counseling services, including:
 - o Rehabilitation counseling services,
 - Social work services in schools,
 - Parent counseling and training,
- School health services and medical services for diagnostic or evaluation purposes, and includes
 - o Early identification and assessment of disabling conditions in children.

This definition incorporates the exception for services for children with surgically implanted devices, including cochlear implants, in 34 CFR § 300.34(b) and the definitions for individual related services in 34 CFR § 300.34(c).

The IEP team must determine need for related services and document them in the student's IEP. To do so, the appropriately licensed health provider(s) (for example registered nurse, speech language pathologist, occupational therapist, physical therapist, and/or others) should be included as members of the IEP team, evaluate student need, provide data, and attend IEP meetings. If it is determined that related services are needed the licensed health provider must develop a plan of care, document the provision of services as required by their licensure, and collect any data needed for progress monitoring. Below are examples of how different school health services may be documented in a student's IEP.

Related Services 34 CFR 300.34, OAR 581-015-2000	Anticipated Amount & Frequency	Anticipated Location	Starting Date	Ending Date	Provider(s)	Role Responsible for Monitoring
Occupational Therapy	60 min / month	SPED Classroom	10/2/2020	10/1/2021	ОТ	Case Manager OT
Transportation	To/From school every day	School Bus	10/2/2020	10/1/2021	LEA	Case Manager
Speech	30min/1x per week	SPED Class	10/2/2020	10/1/2021	SLPA SLP	SLP
Nursing service. Diabetic Care (delegated Health Care)	20min / 2X per day	Resource Room	10/2/2020	10/1/2021	RN/ DHC	Case Manager/ RN

Nursing service: Outlined in Student IHP	20 min / 3X per day	Resource Room	10/2/2020	10/1/2021	RN	Case Manager
Nursing service: 1:1 nursing (delegated health services)	420 min per day	Resource Room	10/2/2020	10/1/2021	RN DHC	RN

Contacts:

- Ely Sanders, School Health Services and School Medicaid Specialist. Phone: 503-947-5904.
- <u>Linda Brown</u> D. Ed, Regional/Educational Specialist. Phone: 503-947-5825.

Secondary Transition

The Individuals with Disabilities Education Act of 2004 requires the consideration of transition needs for students beginning not later than the first IEP to be in effect when the student is 16, and updated annually thereafter. Transition services are an integral part of the student's education plan and are designed to meet their unique needs and prepare them for further education, employment, and independent living.

Contact: Sally Simich ext. 503.947.5639

State Advisory Council for Special Education (SACSE)

The State Advisory Council on Special Education (SACSE) provides policy guidance with respect to special education and related services for children with disabilities in the State (34 CFR 300.167) to the Oregon Department of Education (ODE). SACSE advises the State of unmet needs in the education of children with disabilities, comment publicly on any rules or regulations proposed by the State regarding the education of students with disabilities, advise the State in developing evaluations and reporting data to the U.S. Office of Special Education, advise the State in developing corrective action plans to address findings identified in federal monitoring reports and advise the State in developing and implementing services for children with disabilities (34 CFR 300.169).

Contact: Jeremy Wells at 503.947.5978

Standards and Instruction

The Oregon State Standards define what students should know and be able to do within a content area at specific stages in their education. In addition to setting and supporting the educational standards, the goal of the standards and instructional support team is to ensure that every learner's strengths are recognized and their skills are developed through the opportunity to receive high-quality instruction, programming and services.

Contact: See specific standards and instruction page for contact information

Statewide Assessments

Oregon's Statewide Assessment System (OSAS) currently includes summative assessments administered annually by subject matter and grade. Pursuant to federal and state accountability requirements, Oregon public schools test students in English language arts and math in grades 3 through 8 & 11 and science in grades 5, 8, & 11. Additional required assessments include an English language proficiency assessment for English learners (ELs) and the Oregon Extended Assessment for students with significant cognitive disabilities. These summative assessments used for accountability are customized for the needs of Oregon students; test development for these assessments has included Oregon teachers in all feasible aspects (e.g., item development, scoring rubric validation, standard setting).

- Assessment & Accountability Update Newsletter Subscription
 - <u>Contact</u>: <u>Dan Farley</u> or 503.947.5721 or <u>Caitlin Gonzales</u> (for info and support for Oregon's Extended Assessment).
- Accessibility Supports
 - The Oregon Department of Education (ODE) strives to provide every student with a positive and productive assessment experience, generating results that are a fair and accurate estimate of each student's achievement. In the process of developing its next-generation assessments to measure students' knowledge and skills as they progress toward college and career readiness, ODE recognizes that the validity of assessment results depends on each and every student having appropriate accessibility supports (formerly "accommodations") when needed based on the constructs being measured by the particular statewide assessment.
 - o **Contact**: Dan Farley or 503.947.5721
- Essential Skills
 - To support students, teachers, administrators, and parents learn what the expectations are for the Essential Skills requirement across K-12 curricula, the following ODE webpage provides information, guidance and resources.
 - Contact: Tony Bertrand (ELA) or 503-947-5830 or Andrew Byerley (Math) or (503) 947-5832

Systems Performance Review & Improvement (SPR&I)

SPR&I is a district/program driven system founded on evidence based decision-making. It supports improvement planning through the (1) collection and interpretation of data, (2) development and implementation of an improvement plan, and (3) evaluation of impact and effectiveness of improvement strategies. SPR&I aligns with IDEA General Supervision requirements and improvement planning. This alignment supports a close relationship between special education improvement planning and other district or community improvement planning efforts:

<u>Contact</u>: see <u>County Contact Assignments</u> link on the SPR&I webpage

APPENDIX

- New Director Webinar Series
- SAMPLE: Special Education Director Self-Assessment Tool (Based on a select group of standards from the Council for Exceptional Children, Council for Administrators of Special Education (CEC-CASE) Advanced Knowledge and Skill Set for Special Education Administrators)
- > SAMPLE Special Education Tasks Timeline
- School Age: Individual Procedural Compliance Review (PCR) Manual