

Seniors and People with Disabilities

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Authorized Signature

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Topic: Developmental Disabilities

Subject: Implementation of HB 2283

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Developmental Disability Service Providers, Support Service Brokerage Directors |

Message:

The content of this message was jointly composed by representatives of the Oregon Department of Education, Oregon Council on Developmental Disabilities and the Oregon Department of Human Service's Office of Vocational Rehabilitation Services and Office of Developmental Disability Services. This same message will be distributed by the ODE, OCDD, and OVRS to their respective stakeholders.

The passage of House Bill (HB) 2283 is causing some confusion regarding the implementation of services for youth with disabilities ages 18 through 21. The two main areas of concern are the provision of "other" services by non-educational agencies and the interagency agreement.

The intent of HB 2283 was to ensure all students have access to instructional hours, hours of transition services and hours of other services that are designed to:

- 1) Meet the unique needs of the student; and,
- 2) When added together, provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school (990 hrs/yr.)

HB 2283 encourages collaboration among all agencies providing services to the student. However, education, human services, Community Developmental Disability Programs, support service brokerage and employment programs cannot supplant

services that are the responsibility of another agency. A copy of this bill can be viewed at <http://www.leg.state.or.us/11reg/measpdf/hb2200.dir/hb2283.en.pdf>

The purpose of this transmittal is to inform the field that the Oregon Department of Education (ODE), Office of Vocational Rehabilitation (VR), the Office of Developmental Disability Services (DD), and the Oregon Council on Developmental Disabilities (OCDD) have joined forces to clarify implementation of this new law, so that all partners can continue to focus on the outcomes for this group of students. Until the final education rules are in place and agreements are announced, this transmittal is providing you guidance in your work relationships with other agencies.

General Information about Education Expectations

- Students on IEPs are entitled to a free and appropriate public education (FAPE) through their 21st year, or until they earn an Oregon high school diploma.
- A school district or public charter school cannot unilaterally decrease the total number of hours of instruction and services provided to students. As required by the Individuals with Disabilities Education Act (IDEA), the IEP team determines services that are needed to meet the unique needs of the student. If the IEP team determines that fewer than 990 hours should be provided, a written statement that explains the reasons for the reduction must be included on the IEP.
- Transition is not a “program” but a coordinated set of activities designed to facilitate successful movement from school to post school activities. It takes the coordinated efforts of many partners for a student’s transition to be successful.
- Educational transition activities include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. School districts are not responsible for the development of employment. Schools are responsible for helping develop the skills needed to reach the employment objectives. They are not responsible for identifying an actual paid job and providing the support in the job. In 1997, the intent of IDEA was to make certain that in addressing transition, IEPs were not just based on traditional academic goals/objectives, but would be addressing the post school vision of each student. Thus, in 2004 regulation for post–secondary goals was established.
- The IEP must include measurable post-secondary goals in the areas of education, training, and employment and where appropriate, independent living skills. School districts are required to get the student ready to meet these post-secondary goals. Annual transition goals, transition services, and courses of study are educational requirements needed to assist the student to reach those post-secondary goals. IDEA also requires IEP teams to invite to the IEP meeting other agencies

who may provide or pay for services.

General Agency (non educational) Expectations

- The Medicaid Waiver funding cannot be used to fund transition activities considered the responsibility of education.
- Collaboration among non-education agencies and school districts is permitted and encouraged in HB 2283. The hours of services that are not educational, provided during the school day, and paid for or provided by non-education agencies **may** be included in the calculation of the total hours of service. However, this is dependent on a mutually agreed IEP that is consistent with the requirements and program guidelines of each partner. Services provided by non-education agencies after school hours are not to be considered educational services and cannot be counted in the calculation of the total hours of service.
- Mutually agreed upon transition and other services provided by non-education entities may be provided at any time during the day but must not supplant required educational services. Transition services and other services may be provided to the student through an interagency agreement entered into by the school district if the student's IEP indicates that the services may be provided by another agency. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement

More specific guidance will be issued once the cross-agency agreements are made on coordination of these critical transition activities. In the meantime do not hesitate to contact your state liaison for further explanation or clarification. Thank you for all you do for the students in Oregon as we prepare them to become healthy, productive and satisfied adults within their communities.

If you have any questions about this information, contact:

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