

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Content of Individual Education Plan/ OAR 581-015-2200

Date: September 17, 2015

Staff/Office: Brad Lenhardt, Office of Learning- Student Services

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: _____ **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY: Changes to 581-015-2200 Content of Individual Education Plan (IEP) to reflect the revisions made to the revised guidance to IEP teams in the selection of a statewide assessment for students on IEPs.

BACKGROUND:

In order to take into account the pervasive nature of a *significant* cognitive disability and allow the state’s assessment models to appropriately measure the student populations they were designed to measure, Oregon Individual Education Plan (IEP) teams will be required to select the Oregon’s Extended Assessment as the *only* option for all subject areas assessed. Students who participate in Oregon’s Extended Assessment **will not** participate in Oregon’s general assessments. This reflects a significant change from previous policy which permitted a student to participate in either test or both. In this context, a reworking of the definition of “Content of IEP” as it pertains to the Extended Assessment in this OAR specifically is needed (see proposed revisions on p. 3 below).

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK: No issues or concerns.

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

FISCAL IMPACT(if any): ODE does not anticipate any fiscal impact of the proposed rule changes to the Department of Education, school districts or schools.

EFFECT OF YES VOTE: Support the state’s assessment models intent/purpose to appropriately measure the student populations they were designed to measure.

EFFECT OF NO VOTE: Constrain the state’s assessment models intent/purpose to appropriately measure the student populations they were designed to measure.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments: NA

Created by BJL on 7/29/15

581-015-2200

Content of IEP

(1) The individualized education program (IEP) must include:

(a) A statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum.

(b) A statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to:

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability.

(c) A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(d) A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

(A) To advance appropriately toward attaining the annual goals;

(B) To be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

(C) To be educated and participate with other children with disabilities and children without disabilities,

(e) The projected dates for initiation of services and modifications and the anticipated frequency, amount, location and duration of the services and modifications described in subsection (1)(d) of this rule.

(f) An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities described in subsection (1)(d) of this rule.

(g) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment:

(A) A child may not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability, unless the parent has requested an exemption under OAR 581-022-0612.

(B) If the IEP team determines that the child must take ~~an~~the alternate assessment ~~in any area~~ instead of ~~a~~the regular Statewide or a district-wide assessment, a statement of why the child cannot participate in the regular assessment, and why the alternate assessment ~~selected~~ is appropriate for the child.

(2) For the purposes of transition, the IEP must include:

(a) Beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP team, and updated annually thereafter:

(A) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

(B) The transition services (including courses of study) needed to assist the child in reaching those goals.

(b) Beginning at least one year before a student reaches age 18, or when the district obtains actual knowledge that within one year the student will marry or become emancipated before age 18, a statement that the district has informed the student that procedural rights will transfer to the student upon age 18, marriage or emancipation, whichever occurs first.

Stat. Auth.: ORS 343.041, 343.045, 343.055 & 343.151

Stats. Implemented: ORS 343.151 & 34 CFR 300.320

Hist.: 1EB 269, f. & ef. 12-22-77; EB 9-1993, f. & cert. ef. 3-25-93; ODE 32-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0068, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08