

581-015-2000 revisions (SB 13, SB 16, and IDEA compliance)

Definitions

The definitions below apply to OARs 581-015-2000– ~~through 581-015-299930~~, unless the context indicates otherwise.

(1) "Adult student" is a student for whom special education procedural safeguard rights have transferred as described in OAR 581-015-2325.

(2) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

(3) "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

~~(4) "Audiological assessment" means an assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state.~~

~~(4.5)~~ (a) "Children with disabilities" or "students with disabilities" means children or students evaluated in accordance with ~~OAR 581-015-2100 through 581-015-2180~~ ~~OAR 581-015-2080 through 581-015-2125~~, as having autism spectrum disorder; communication disorder; deafblindness; developmental delay; emotional ~~disturbance~~ ~~behavior~~ ~~disability~~; ~~hearing impairment, including deafness, deaf or hard of hearing~~; intellectual disability; orthopedic impairment; other health impairment; specific learning disability; traumatic brain injury; or visual impairment, including blindness, and who, by reason thereof, need special education and related services.

(A) If it is determined through an appropriate evaluation in accordance with ~~OAR 581-015-2100 through 581-015-2180~~ ~~OAR 581-015-2080 through 581-015-2125~~, that a child has one of the disabilities identified in section ~~(4.5)~~ above, but only needs a related service and not special education, the student is not a student with a disability under this OAR.

(B) If, consistent with OAR 581-015-2000(~~2930~~), the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability under this OAR.

(b) The terms used in the definition of a child with a disability are defined as follows:

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~~(A) "Autism Spectrum Disorder" means a developmental disability that includes persistent deficits in social communication and social interaction across multiple contexts; restricted, repetitive patterns of behavior, interests, or activities. Characteristics are generally evident before age three but may not become fully evident until social demands exceed limited capacities, or may be masked by learned strategies. Characteristics cause educationally and developmentally significant impairment in social, occupational, or other important areas of current functioning. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. However, a child who qualifies for special education under the category of autism spectrum disorder may also have an emotional disturbance as a secondary disability if the child meets the criteria under emotional disturbance. means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21) . Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional behavior disability, as defined in OAR 581-015-2000(5)(b)(E). The term "Autism Spectrum Disorder" is equivalent to the term "autism" used in ORS 343.035 and in 34 CFR §300.8.~~

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~~(B) "Communication Disorder Speech and language impairment;" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics. means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).~~

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~~(C) "Deafblindness" means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for students having hearing or visual impairments. " means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs designed solely for students having deafness or blindness, that adversely affect a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).~~

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(D) "Developmental Delay" means 1.5 standard deviations or more below the mean in two or more of the following developmental areas for ~~E~~arly ~~C~~hildhood special education and school -aged special education (ages 3 ~~through 9~~), that adversely affects a child's developmental progress when the child is three to kindergarten and the student's educational performance when the student is kindergarten through age nine:

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- (i) Cognitive development;
- (ii) Physical development;
- (iii) Communication development;

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(iv) Social or emotional development; and

(v) Adaptive development.

(E) "~~Emotional Disturbance~~behavior disability" ~~a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's developmental or educational performance; means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21);~~

(i) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(iii) Inappropriate types of behavior or feelings under normal circumstances;

(iv) ~~A~~ general pervasive mood of unhappiness or depression; or

(v) A tendency to develop physical symptoms or fears associated with personal or school problems;

(vi) ~~The~~ term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance behavior disability.

(F) "~~Hearing Impairment~~Deaf or hard of hearing" ~~means a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf. means an impairment in hearing, whether permanent or fluctuating, that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).~~

(G) "~~Intellectual Disability~~" ~~means significantly sub average general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance. means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's developmental progress (ages 3 through 5) or educational performance (ages 5 through 21).~~

(H) "~~Orthopedic Impairment~~" ~~means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury). means a severe orthopedic impairment that adversely affects a child's developmental progress (ages 3 through 5) or educational performance (ages 5 through 21). The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).~~

(I) "~~Other Health Impairment~~" ~~means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:~~

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(i) Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome or diabetes); and

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(ii) Adversely affects a child's educational performance, means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:

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(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
(ii) Adversely affects a child's developmental progress (ages 3 through 5) or educational performance (ages 5 through 21).

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(J) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage. means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, dyslexia, and developmental aphasia, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(K) "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. " means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

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(L) "Visual Impairment" ~~means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.~~ means an impairment in vision that, even with correction, adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). The term includes those children who are partially sighted or blind.

(56) "Consent" means that:

- (a) The parent or adult student has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;
- (b) The parent or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought; and the consent describes that activity and lists any records that will be released and to whom; and
- (c) The parent or adult student understands that the granting of consent is voluntary and may be revoked at any time in accordance with OAR 581-015-2090(47) ~~or 581-015-2735.~~

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(67) "Day" means calendar day unless otherwise indicated as a business day or school day:

- (a) "Business day," which means Mondays through Fridays, ~~other than holidays~~ except for Federal State holidays (unless holidays are specifically included in the designation of business day).
- (b) "School day," ~~which~~ means any day, including partial days that children are in attendance at school for instructional purposes.

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~~(c) The term "s~~School day" has the same meaning for all children in school, including those with and without disabilities.

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(78) "Department" means the Oregon Department of Education.

(89) "Developmental History" means gathering information regarding the following: the child's prenatal and birth history, including prenatal exposure to alcohol, prescription and non-prescription medications, or other drugs; meeting of developmental milestones; socialization and behavioral patterns; health and physical/medical history; family and environmental factors; home and educational performance; trauma or significant stress experienced by the child; and the display of characteristics of any additional learning or behavioral problems.

(910) "EI/ECSE" means early intervention/early childhood special education and refers to services or programs for preschool children with disabilities.

(1011) "Elementary or secondary school or facility" means a school or facility with any combination of grades K through

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(112) "Evaluation" means procedures used in accordance with OAR 581-015-2080 to OAR 581-015-2180 to determine whether the child has a disability, and the nature and extent of the special education and related services that the child needs.

(13) "Functional Behavior Assessment" ~~means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.~~

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(1314) "General education curriculum" means the same curriculum as for children without disabilities (children without disabilities). For preschool children with disabilities, the term means age-appropriate activities.

(13) "Health assessment statement" ~~means a written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.~~

(1415) "Homeless children" (or "homeless youth") has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

~~(1516)~~ "Identification" means the process of determining a child's disability and eligibility for special education and related services.

~~(1617)~~ "Individualized Education Program" (IEP) means a written statement ~~of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability for a child that is developed, reviewed, and revised in accordance with OARs 581-015-2195 through OAR 581-015-2225.~~

~~(1718)~~ "Individualized Family Service Plan" (IFSP) is defined in OAR 581-051-2700.

~~(1819)~~ "Limited English proficient" has the same meaning as in the Elementary and Secondary Education Act, 20 USC § 9101(25).

~~(1920)~~ "Mediation" means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such a time as a resolution is agreed to by the parties or the mediation process is terminated.

~~(20)~~ "Medical statement" means a written statement issued by a physician licensed by a State Board of Medical Examiners.

~~(21)~~ "Medical examination" means an examination conducted by:

- ~~(a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~
- ~~(b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;~~
- ~~(c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or~~
- ~~(d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.~~

~~(2122)~~ "Native language", when used with respect to a person who is limited English proficient, means the following language normally used by that person or, in the case of a child, the language normally used by the parent of the child. For an individual with deafness, blindness, deafblindness or no written language, the term means the mode of communication normally used by the person (such as sign language, Braille, or oral communication). In direct contact with a child, the term means the language normally used by the child.

- ~~(a) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as in (b) of this section.~~
- ~~(b) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.
 - ~~(A) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).~~~~

~~(2223)~~ "Parent" means:

- (a) One or more of the following persons:
 - (A) A biological or adoptive parent of the child;
 - (B) A foster parent of the child,
 - ~~(C) A legal guardian, other than a state agency; A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);~~

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(D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

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(E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320, for school-age children, or 581-015-2760 for preschool children.

(b) Except as provided in subsection (c), if more than one party is qualified under subsection (a) to act as a parent and the biological or adoptive parent is attempting to act as the parent, the biological or adoptive parent is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

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(c) If a judicial decree or order identifies a specific person under subsection (a) to act as the "parent" of a child or to make educational decisions on behalf of a child, then that person will be the "parent" for special education purposes.

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(2324) "Participating agency" means a state or local agency, other than the school district responsible for a student's education that is financially and legally responsible for providing transition services to the student.

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(2425) "Personally identifiable information" means information as defined in the Family Educational Rights and Privacy Act (FERPA), found at 34 CFR 99.3, which includes, but is not limited to:

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(a) The name of the child, the child's parent or other family member;

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(b) The address of the child or the child's family;

(c) A personal identifier, such as the child's social security number or student number, or biometric record; and

(d) Other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name;

(e) Other information that alone or in combination is linked or linkable to a specific child that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the child with reasonable certainty; or

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(f) Other information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(2526) "Placement" means educational placement, not social service placement by a state agency.

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(2627) "Preschool child" means "preschool child with a disability" as defined under OAR 581-015-2700.

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(2728) "Private school" means an educational institution or agency not operated by a public agency.

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(2829) "Public agency" means a school district, an education service district, a state agency or institution, EI/ECSE contractor or subcontractor, responsible for early intervention, early childhood special education or special education.

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~~(2930) "Related services" includes means 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 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 early identification and assessment of disabling conditions in children, 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 speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services~~

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for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

(a) Exception: services that apply to children with surgically implanted devices, including cochlear implants, (1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

(A) Nothing in section (a) of this section—

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE.

(ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in §300.113(b).

(b) Audiology, includes—

(A) Identification of children with hearing loss;

(B) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(C) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(D) Creation and administration of programs for prevention of hearing loss;

(E) Counseling and guidance of children, parents, and teachers regarding hearing loss; and

(F) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(c) Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(d) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(e) Interpreting services, includes—

(A) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and

(B) Special interpreting services for children who are deaf-blind.

(f) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(g) Occupational therapy,—

(A) Means services provided by a qualified occupational therapist; and

(B) Includes—

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(i) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;

(ii) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and

(iii) Preventing, through early intervention, initial or further impairment or loss of function.

(h) Orientation and mobility services—

(A) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(B) Includes teaching children the following, as appropriate:

(i) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(ii) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;

(iii) To understand and use remaining vision and distance low vision aids; and

(iv) Other concepts, techniques, and tools.

(i) Parent counseling and training means assisting parents in understanding the special needs of their child;

(A) Providing parents with information about child development; and

(B) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(j) Physical therapy means services provided by a qualified physical therapist.

(k) Psychological services includes—

(A) Administering psychological and educational tests, and other assessment procedures;

(B) Interpreting assessment results;

(C) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(D) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;

(E) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(F) Assisting in developing positive behavioral intervention strategies.

(l) Recreation includes—

(A) Assessment of leisure function;

(B) Therapeutic recreation services;

(C) Recreation programs in schools and community agencies; and

(D) Leisure education.

(m) Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational

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rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.,

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(n) School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

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(o) Social work services in schools includes—

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(A) Preparing a social or developmental history on a child with a disability;

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(B) Group and individual counseling with the child and family;

(C) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(D) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(E) Assisting in developing positive behavioral intervention strategies.

(p) Speech-language pathology services includes—

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(A) Identification of children with speech or language impairments;

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(B) Diagnosis and appraisal of specific speech or language impairments;

(C) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(D) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(E) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(q) Transportation includes—

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(A) Travel to and from school and between schools;

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(B) Travel in and around school buildings; and

(C) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

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(3031) "School age child or children" means a child or children who have reached 5 years of age but have not reached 21 years of age on or before September 1 of the current school year.

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(3132) "Scientifically Based Research" is defined in section 9101(37) of the Elementary and Secondary Education Act of 1965, as amended ESEA.

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(3233) School district" means the public education agency (school district, ESD, or state agency) that is responsible by statute, rule or contract for providing education to children with disabilities.

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(3334) "Services plan" is defined in OAR 581-015-2450(5).

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(3435) "Sheltered Workshop" is a facility in which individuals with disabilities, including intellectual or developmental disabilities, are congregated for the purpose of receiving employment services and performing work tasks for pay at the facility. A Sheltered Workshop primarily employs these individuals with the exception of service support staff. A Sheltered Workshop is a fixed site that is owned, operated, or controlled by a provider, where an individual has few or no opportunities to interact with nondisabled individuals, except paid support staff. A Sheltered Workshop is not Small Group

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Employment in an Integrated Employment Setting as defined in Executive Order 15-01, and is not otherwise an Integrated Employment Setting as defined in Executive Order 15-01.

(3636) "Short term objectives" means measurable intermediate performance steps that will enable parents, students and educators to gage, at intermediate times during the year, how well the child is progressing toward the annual goals by either:

- (a) Breaking down the skills described in the goal into discrete components, or
- (b) Describing the amount of progress the child is expected to make within specified segments of the year.

(3637) (a) "Special education" means specially designed instruction, that is provided at no cost to parents-parent, to meet the unique needs of a child with a disability, including: "Special education" includes instruction that:

- (a) May be conducted in the classroom, the home, a hospital, an institution, a special school or another setting; and
- (b) May involve physical education services, speech language services, transition services or other related services designated by rule to be services to meet the unique needs of a child with a disability.

(A) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(B) Instruction in physical education.

(b) Special education includes each of the following, if the services otherwise meet the requirements of paragraph

(36)(a) of this section:

(A) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(B) Travel training; and

(C) Vocational education.

(c) Individual special education terms defined. The terms in this definition are defined as follows:

(A) At no cost means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(B) Physical education means, the development of:

(i) Physical and motor fitness;

(ii) Fundamental motor skills and patterns; and

(iii) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(vi) Includes special physical education, adapted physical education, movement education, and motor development.

(d) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:

(A) To address the unique needs of the child that result from the child's disability; and

(B) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(e) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:

(A) Develop an awareness of the environment in which they live; and

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(B) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(f) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

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(37) "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:

(a) To address the unique needs of the child that result from the child's disability; and

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(b) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

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(3838) "Supplementary aids and services" means aids, services and other supports that are provided in regular education classes or other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

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(39) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(40) "Surrogate parent" means an individual appointed under OAR 581-015-2320 for school age children or 581-015-2760 for preschool children who acts in place of a biological or adoptive parent in safeguarding a child's rights in the special education decision-making process.

(41) "Vision examination" means an examination conducted by:

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(a) A person licensed to practice optometry under ORS chapter 683 or by the appropriate authority in another state; or

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(b) A physician who specializes in ophthalmology and who is licensed under ORS chapter 677 or by the appropriate authority in another state.

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(4142) "Transition services" means a coordinated set of activities for a student with a disability that:

(a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

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(b) Is based on the individual student's needs, taking into account the student's preferences and interests; and

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(c) Includes:

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(A) Instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post school adult living objectives; and

(E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and

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(d) May be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

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(4243) "Ward of the state" means child who is in the temporary or permanent custody of, or committed to, the Department of Human Services or Oregon Youth Authority through the action of the juvenile court.

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Statutory/Other Authority: ORS 343.041, 343.045, 343.155 & 343.223

Statutes/Other Implemented: ORS 343.045, 343.155, 343.223, 34 CFR 300.5, 300.6, 300.8, 300.11, 300.15, 300.19,

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300.22, 300.27, 300.28, 300.29, 300.30, 300.34, 300.37, 300.39, 300.42, 300.43 & 300.45

History:

ODE 10-2019, temporary amend filed 03/25/2019, effective 03/25/2019 through 05/16/2019

ODE 24-2018, amend filed 06/28/2018, effective 06/29/2018

ODE 9-2015, f. & cert. ef. 7-13-15

ODE 47-2014, f. & cert. ef. 12-17-14

ODE 41-2014(Temp), f. & cert. ef. 9-8-14 thru 3-7-15

ODE 29-2013, f. & cert. ef. 12-18-13

ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

ODE 12-2011, f. & cert. ef. 10-31-11

ODE 13-2009, f. & cert. ef. 12-10-09

ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

Renumbered from 581-015-0005, ODE 10-2007, f. & cert. ef. 4-25-07

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

ODE 10-2000, f. & cert. ef. 5-3-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 18-1994, f. & cert. ef. 12-15-94

EB 9-1993, f. & cert. ef. 3-25-93

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

EB 3-1990, f. & cert. ef. 1-26-90

EB 28-1989(Temp), f. & cert. ef. 10-16-89

EB 18-1989, f. & cert. ef. 5-15-89

EB 39-1988(Temp), f. & cert. ef. 11-15-88

1EB 5-1985, f. 1-30-85, ef. 1-31-85

Reverted to 1EB 5-1980, f. 2-22-80, ef. 2-23-80

1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 5-1980, f. 2-22-80, ef. 2-23-80

1EB 18-1979(Temp), f. & ef. 11-15-79

1EB 35-1978, f. & ef. 10-5-78

1EB 8-1978, f. & ef. 3-3-78

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