

**OREGON LAWS, REGULATIONS, AND POLICIES RELATED TO SPECIAL EDUCATION
THAT ARE NOT REQUIRED BY THE IDEA**

MARCH 2024



Under federal law,¹ each state receiving IDEA funds must identify in writing to local educational agencies (LEAs) located in the state and the United States Secretary of Education any rule, regulation or policy as a state-imposed requirement that is not required by the Individuals with Disabilities Education Act (IDEA) and federal regulations.

ODE has reviewed its laws and regulations that apply to the education of students with disabilities. The following summary provides a list of Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that differ from federal requirements in effect as of March 2024. The list includes both items where there is no corresponding federal requirement (e.g., Oregon has requirements related to home schooling for students with disabilities) and items where Oregon exceeds the corresponding federal requirement (e.g., Oregon requires a 60-day timeline for reevaluations).

Relevant ORS/OAR	Relevant USC/CFR	Description of Oregon Requirement and Explanation of How It Goes Beyond Federal Regulation
581-015-2215 (Oregon State IEP)	§300.320 (Definition of IEP)	Oregon mandates the use of Oregon’s Standard IEP form or an approved alternate to ensure compliance with IDEA requirements. This standardization of documentation across the state is not explicitly required by federal law, providing a uniform approach that enhances clarity and consistency.
581-015-2815 (IFSP Content)	§300.320-§300.324 (IEP & IFSP content)	Oregon requires ECSE programs to use ODE IFSP forms that combine Part B and C content, streamlining the process for families and providers. By merging IFSP and IEP content in a standardized form, Oregon goes beyond IDEA to facilitate a seamless transition within its Early

¹ 20 USC §1407(a)(2)

Relevant ORS/OAR	Relevant USC/CFR	Description of Oregon Requirement and Explanation of How It Goes Beyond Federal Regulation
		Intervention (EI)/Early Childhood Special Education (ECSE) system.
581-021-0026 & 581-021-0029 (Home Schooling for Children with Disabilities)	No direct counterpart, relates broadly to §300.101 (Free appropriate public education (FAPE))	Oregon assumes that home-schooled students may have an IEP, promoting continuity of special education services outside traditional public schooling. This extension of protections and considerations of FAPE to home-schooled students surpasses the specific guidance provided by IDEA.
581-021-0030(2)(a) (Limitation on Test Administration)	§300.300 (Parental consent for evaluations)	Oregon requires separate, written parent consent for the administration of intelligence tests or personality tests, ensuring privacy and parental control. This additional layer of consent for specific types of evaluations fosters greater parental involvement than is mandated by IDEA.
581-015-2320 & 581-015-2760 (Surrogate Parents)	§300.519 (Surrogate parents)	Oregon allows parents or adult students to voluntarily request the appointment of a surrogate parent for educational decision-making. This proactive option for surrogate parent appointment expands upon the provisions for surrogate parent involvement provided by IDEA.
581-015-2715 (Role of LICC)	No direct counterpart, broadly relates to §300.119 (Public participation) and §303.342 (IFSP Team)	Oregon defines the role of LICC in relation to EI/ECSE subcontractors and contractors, including coordination and oversight responsibilities. This establishment of a structured system for local interagency coordination enhances the collaboration framework beyond the requirements of IDEA.
581-021-0061 & 581-021-0553 (Physical Restraint and Seclusion)	§300.530 (Authority of school personnel)	Oregon defines corporal punishment and establishes specific requirements for the use of physical restraint and seclusion in schools. These detailed rules aim for higher safety standards than the broader federal framework provided by IDEA.
581-022-1133 (Extended Diploma)	No direct counterpart, but relates to §300.102	Oregon makes an Extended Diploma available, setting specific eligibility criteria and excluding students who can achieve a more rigorous diploma. This specification of an additional diploma option with clear eligibility criteria provides an alternative pathway not outlined in federal law.

Relevant ORS/OAR	Relevant USC/CFR	Description of Oregon Requirement and Explanation of How It Goes Beyond Federal Regulation
	(Limitation: Exception to FAPE for certain ages)	
581-015-2110 & 581-015-2790 (Evaluation Timelines)	§300.301 (Initial evaluations) and §300.303 (Reevaluations)	Oregon applies a 60-school-day timeline for completing both initial evaluations and reevaluations. This unified timeline for all evaluations adds clarity and consistency beyond the separate federal guidelines for initial evaluations and reevaluations provided by IDEA.
581-022-2015 & 581-022-2020 (Extended Diploma and Alternative Certificate)	§300.320(a)(4) (IEP content: Transition services)	Oregon requires annual parent consent to modify the number of instruction hours, ensuring access to resources for all diploma types at each high school. This enhances student and parent involvement in educational planning and ensures broad access to diploma pathways, enriching the federal transition services requirements.
581-015-2245 (Alternative Placements and Supplementary Aids and Services)	§300.115 (Continuum of alternative placements)	Oregon specifies that sheltered workshops are not part of the continuum of placement options or supplementary aids services. This clarification and restriction of the use of sheltered workshops in the continuum of placements provide a more defined framework than IDEA.
584-220-0180 (Special Education Endorsements)	§300.156 (Personnel qualifications)	Oregon requires special educators to hold separate endorsements for each content area they exclusively teach, as defined through Oregon's Course to Endorsement Catalog. This imposition of additional licensure requirements for special educators ensures specialized expertise beyond the general qualifications outlined in IDEA.
581-015-2015 (General Supervision)	§300.149 (SEA responsibility for general supervision) and §300.600 (State monitoring and enforcement)	Oregon has the authority to monitor IDEA implementation activities closely, integrating monitoring and technical supports with enforcement actions. This enhancement of the general supervision framework integrates detailed monitoring activities and support mechanisms, exceeding the broad federal outline for supervision and enforcement.

Relevant ORS/OAR	Relevant USC/CFR	Description of Oregon Requirement and Explanation of How It Goes Beyond Federal Regulation
ORS 343.321 to 343.331	No direct counterpart, relates broadly to §300.101 (Free appropriate public education (FAPE))	Oregon establishes stringent requirements for students receiving an abbreviated school day program, ensuring that students with disabilities receive equal instructional hours as their peers. This policy mandates clear district communication and necessitates informed and written parent consent, underscoring the state's commitment to inclusive education practices. Moreover, Oregon outlines specific exemptions to these programs, offering flexibility while maintaining educational equity. There are no federal guidelines related to abbreviated school day programs.