

**OREGON DEPARTMENT OF EDUCATION
OFFICE OF STUDENT SERVICES**

**GUIDELINES FOR
ALTERNATE IEP FORM**

SUBMISSION DUE DATE FEBRUARY 22, 2022

Oregon Department of Education
Office of Student Services
255 Capitol Street NE
Salem, Oregon 97310

Updated January 2022

GUIDELINES FOR ALTERNATE IEP FORM SUBMISSION AND APPROVAL

Under Oregon Administrative Rule (OAR) 581-015-2215, all districts and ESDs in Oregon must use the Oregon Standard IEP form, unless they have been granted approval for use of an alternate IEP form by the Oregon Department of Education (ODE). Any district or ESD that received prior ODE approval for the use of an alternate Individualized Education Program (IEP) form must notify ODE if they intend to use the alternate IEP form during the 2022-2023 academic year through the appropriate designation on the SPR&I system.

TIMELINES FOR ALTERNATE IEP FORM SUBMISSION FOR THE 2022-2023 SCHOOL YEAR

ACTIVITY	DUE DATE
District/ESD submits a formal letter of intent requesting ODE approval for the use of alternate IEP forms. <ul style="list-style-type: none">• To continue utilizing a previously approved alternate IEP form, district must notify ODE annually through the SPR&I system.• Each district/ESD seeking approval for any new alternate IEP forms must submit both Appendix B & C and a copy of the proposed alternate IEP form(s) in order to be compliant with ODE alternate IEP process.• E-mailed scans/facsimiles with original signatures are an option in lieu of mailing form(s) to ODE.• Questions: jeremy.wells@ode.oregon.gov or 503-947-5872.	February 22, 2022
ODE notifies district/ESD of decision on use of the alternate IEP form.	March 16, 2022
If permission is denied, the district/ESD may request reconsideration of ODE's decision and resubmit their application with modifications and/or further documentation.	Accepted through April 16, 2022
ODE notifies district/ESD of decision on the resubmission. ODE will expedite this process to provide adequate time for district implementation.	Within 10 days of receiving the request and not later than April 25, 2022.

PROCESS FOR APPROVAL OF ALTERNATE IEP FORM

All districts and ESDs in Oregon are required to use the Oregon Standard IEP form unless the district/ESD has been granted approval by ODE for the use of an alternate IEP form.¹ The following guidelines apply to the process and timelines for submission and approval of alternate IEP forms for the 2022-2023 school year.

Guidelines for the 2022-2023 School Year

1. To continue utilizing a previously approved alternate IEP form, the district must notify ODE annually through the SPR&I system.
2. Each district/ESD seeking approval for any new alternate IEP forms must submit both **Appendix B & C** and a copy of the proposed alternate IEP form(s) to be compliant with ODE alternate IEP process.
3. Submissions received on or before February 19, 2022 by 5:00 p.m. will be considered eligible, but will not be reviewed before that date.
4. ODE will review all timely alternate IEP form submissions and notify districts/ESDs no later than March 16, 2022 of the status of their application.
5. If the application for an alternate IEP form is denied, ODE will provide written recommendations for document modifications to meet federal and state standards.
6. If the alternate IEP form is not approved, districts/ESDs have the option of requesting ODE to reconsider the decision within 30 days of notice of denial. Districts/ESDs may resubmit the alternate IEP form with the recommended changes *or* with further documentation as to why the district believes the alternate IEP form meets federal and state criteria. All resubmissions must be received by ODE no later than 5:00 p.m. on April 16, 2022. Districts/ESDs are limited to one resubmission per academic year. If requested, ODE will provide technical assistance to districts/ESDs in preparing its resubmission. ODE will notify districts/ESDs no later than April 25, 2022 of the status of the district's resubmission.

Review Process

ODE's review will be based upon adherence to federal and state criteria. The contents of an IEP are specified in OARs 581-015-2200, 581-015-2205, 581-015-2330 and 581-015-2065; these rules are based upon the Individuals with Disabilities Education Act (IDEA). Any alternate IEP form submitted for approval must be in compliance with all federal and state special education rules and regulations. To continue utilizing a previously approved alternate IEP form, the district must notify ODE annually through the SPR&I system.

¹ ORS 343.151; OAR 581-015-2215. See Appendix A for OARs on Alternate IEP Forms and IEP content.

ODE staff will review each submission and make recommendations to the Assistant Superintendent, Office of Student Services Unit. The Assistant Superintendent will make the final decision on whether to grant approval or recommend revision(s).

When Approval Is Not Required

Adding items to the demographic information (e.g., the addition of disability codes, parent address, or other similar additions), and/or variance to the form layout (e.g., more spacing, additional lines, varying from landscape to portrait or portrait to landscape) will not be considered to be changes to the form and will not require ODE approval.

When Approval Is Required

Changes that require alternate IEP form approval include, but are not limited to:

- Significantly varying the wording of items (e.g., “supports for program personnel” written as “workshops for teachers”);
- Changing how a question might be answered (e.g., limiting the answer to drop down menu selections instead of providing a narrative description option);
- Changing the sequence of items, (e.g., varying the order of items);
- Removing items (e.g., IEP date, Extended School Year determination); or,
- Adding items other than demographics.

GUIDELINES FOR COMPLETING APPENDIX C

Rationale may include, but is not limited to:

- Advantages for making the change;
- Disadvantages for not making the change;
- Basis for making the change (e.g., case law, OSEP interpretation, district policy); and/or
- How the change meets the obligation to reduce unnecessary or confusing paperwork.

Rationale must:

- Be clear and explicit as to the reasons for including or removing specific item(s), and/or making changes to the standard IEP.

Rationale that does not meet ODE specifications include:

- Rationale worksheet(s) is not included;
- Rationale is unclear; or
- Rationale is unsubstantiated (e.g., does not describe benefits and disadvantages or does not meet the obligation to reduce unnecessary or confusing paperwork).

APPENDIX A

RELEVANT OREGON ADMINISTRATIVE RULES

581-015-2215	Oregon Standard IEP
581-015-2200	Content of IEP
581-015-2205	IEP Team Considerations and Special Factors
581-15-2330	Notice of Transfer of Rights at Majority
581-015-2065	Extended School Year Services

Individualized Education Program (IEP)

581-015-2215

Oregon Standard IEP

- (1) Each school district must use the Oregon Standard IEP form in the development, review and revision of all IEPs, unless an alternate form is approved under subsection (4).
- (2) A school district may use an alternate form in the development, review and revision of IEPs if the Department approves the alternate form.
- (3) Criteria for approval. The criteria for approval of alternate forms includes, but is not limited to:
 - (a) Whether the alternate form meets the requirements for the contents of an IEP under OARs 581-015-2200, 581-015-2205, 581-015-2330, and 581-015-2065; and
 - (b) Whether use of the alternate form will reduce unnecessary or confusing paperwork.
- (4) Approval process.
 - (a) Within 10 days of the established date of submission of the alternate form for approval, the Department will decide:
 - (A) Whether the alternate form is approved or disapproved; and
 - (B) Any conditions that apply to the use of the alternate form.
 - (b) A school district may ask for a reconsideration of the decision within 30 days of receiving the Department's decision in subsection (3). The Department will issue a written response to the district of the reconsideration within 30 days of receiving the request.
 - (c) If a school district changes or modifies the approved alternate form, the district must submit the form for approval before its use.
 - (d) The decisions of the Department under this rule are final.

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 alternate assessment in any area instead of a regular State or 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.

581-015-2205

IEP Team Considerations and Special Factors

- (1) In developing, reviewing and revising the child's IEP, the IEP team must consider:
 - (a) The strengths of the child;
 - (b) The concerns of the parents for enhancing the education of their child;
 - (c) The results of the initial or most recent evaluation of the child; and
 - (d) The academic, developmental, and functional needs of the child.
- (2) In developing, reviewing and revising the child's IEP, the IEP team must consider the following special factors:
 - (a) The communication needs of the child; and
 - (b) Whether the child needs assistive technology devices and services.
- (3) In developing, reviewing and revising the IEP of children described below, the IEP team must consider the following additional special factors:
 - (a) For a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;

- (b) For a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - (c) For a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; and
 - (d) For a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.
- (4) If, in considering these special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) for the child to receive free appropriate public education, the IEP team must include a statement to that effect in the child's IEP.
- (5) Nothing in OAR 581-015-2200 or this rule may be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

581-015-2330

Notice of Transfer of Rights at Majority

- (1) The school district must provide notice to the child and the parent that rights will transfer at the age of majority. This notice must be provided at the IEP meeting and documented on the IEP:
- (a) At least one year before the child's 18th birthday; or
 - (b) Upon actual knowledge that within a year the child will likely marry or become emancipated before age 18.
- (2) The school district must provide written notice to the child and to the parent at the time of the transfer of rights.

581-015-2065

Extended School Year Services

- (1) School districts must ensure that extended school year services are available as necessary to provide a free appropriate public education to a child with a disability.
- (2) Extended school year services must be provided only if the child's IEP team determines, on an individual basis, that the services are necessary for the provision of free appropriate public education to the child.
- (3) A school district may not:
- (a) Limit extended school year services to particular categories of disability; or
 - (b) Unilaterally limit the type, amount, or duration of those services.
- (4) The purpose of extended school year services is the maintenance of the child's learning skills or behavior, not the teaching of new skills or behaviors.
- (5) School districts must develop criteria for determining the need for extended school year services. Criteria must include regression and recoupment time based on documented evidence or, if no documented evidence, on predictions according to the professional judgment of the team.
- (6) For the purposes of section (5) of this rule:
- (a) "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services;
 - (b) "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.
- (7) For the purposes of this rule, "extended school year services" means special education and related services that:
- (a) Are provided to a child with a disability:
 - (A) Beyond the normal school year of the school district;
 - (B) In accordance with the child's IEP; and
 - (C) At no cost to the parents of the child; and
 - (b) Meet the standards of the Department.

APPENDIX B

Date

Assistant Superintendent, Office of Student Services Unit
Oregon Department of Education
255 Capitol St. NE
Salem, OR 97310

District/ESD Request (Check the Appropriate One):

Initial Approval for the Consortium Synergy SE Alternate IEP

Initial Approval for an Alternate IEP format

(Name of district) School District has elected to use an Alternate IEP form as an ODE approved form during the 2022-23 school year. Staff will use the alternate IEP with the following understandings:

- The alternate IEP form approved by the Oregon Department of Education (ODE) includes all elements required by law.
- The ODE-approved alternate IEP must be completed in its entirety without skipping or eliminating any sections of the form.
- Any district-level changes to the approved alternate IEP would require submission of only those components through the current guidelines as per ORS § 343.151 and OAR 581-015-2215.
- As ODE updates the Oregon Standard IEP, any approved alternate IEP forms must reflect those changes or be required to submit any of those updated components through the current guidelines as per ORS § 343.151 & OAR 581-015-2215.

By this letter, we are indicating our commitment to using the alternate IEP with the understandings stated above.

(Name of district) School District assures that these guidelines will be disseminated to all school district parties responsible for using the alternate IEP.

Sincerely,

Signature and e-mail of Special Education Director/Coordinator

Signature _____ E-mail (print) _____

APPENDIX C DISTRICT RATIONALE WORKSHEET

Directions for use: Use one (1) rationale worksheet for each area checked in the first column. Attach any sample alternate IEP form(s).

School District: _____

Check Area:	Check Appropriate Box:	School District Rationale:	Approve or Disapprove:	Reviewer Comments:
<ul style="list-style-type: none"> <input type="checkbox"/> Demographics <input type="checkbox"/> IEP Team Members <input type="checkbox"/> Procedural Safeguards <input type="checkbox"/> Other IEP Content: <input type="checkbox"/> Special Factors <input type="checkbox"/> Present Level of Education Performance <input type="checkbox"/> Transition Planning, Goals, & Services/Activities <input type="checkbox"/> Graduation <input type="checkbox"/> State & District Assessments <input type="checkbox"/> Goals, Objectives, & Progress <input type="checkbox"/> Services <input type="checkbox"/> Nonparticipation Justification <input type="checkbox"/> Extended School Year 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional item <input type="checkbox"/> Significantly varying the wording <input type="checkbox"/> Varying the format of the answer <input type="checkbox"/> Removal of item <input type="checkbox"/> Varying the sequence of items 			