# INDIVIDUALIZED EDUCATION PROGRAM (IEP)

## Section 6

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6.1 Revised: September 2003
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INDIVIDUALIZED EDUCATION PROGRAM

Section 6

Oregon Law
and
Portland Public Schools
Special Education

POLICIES AND PROCEDURES
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### Section 6: IEP

<table>
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<th>OAR 581-015-0064 IEP Effective Dates and Implementation</th>
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<tr>
<td>(1) An IEP shall:</td>
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<tr>
<td>(a) Be written before special education is provided to a child;</td>
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<td>(b) Be implemented as soon as possible following the meetings held under OAR 581-015-0065; and</td>
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<td>(c) Be in effect at the beginning of each school year.</td>
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<td>(2) The school district shall:</td>
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<tr>
<td>(a) Ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation; and</td>
</tr>
<tr>
<td>(b) Inform each teacher and provider described in (2)(a) of his or her specific responsibilities for implementing the child’s IEP and the specific accommodations, modifications and supports that must be provided for or on behalf of the child in accordance with the IEP.</td>
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<tr>
<td>(3) School districts:</td>
</tr>
<tr>
<td>(a) Shall provide special education and related services to a child with a disability in accordance with an IEP; and</td>
</tr>
<tr>
<td>(b) Make a good faith effort to assist the child to achieve the goals and short-term objectives listed in the IEP. However, no school district, teacher or other person shall be held accountable if, despite good faith implementation, a child does not achieve the growth projected in the annual goals and short-term objectives.</td>
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<tr>
<td>(4) Nothing in this rule limits a parent’s right to ask for revisions of the child’s IEP or to invoke due process procedures.</td>
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[Federal Regulations: 34 CFR 300.342 and 300.350]

### OAR 581-015-0703 State IEP Forms

(1) The Department shall develop and revise, as appropriate, a standard
### Section 6: IEP

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<th><strong>OREGON LAW</strong></th>
<th><strong>PORTLAND PUBLIC SCHOOL PROCEDURES</strong></th>
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<tr>
<td>form for the development, review and revision of an individualized education program.</td>
<td>1. The student’s regular education teacher(s);</td>
</tr>
<tr>
<td>(2) The Department shall periodically distribute the standard form to all school districts.</td>
<td>2. The student’s special education teacher(s); and</td>
</tr>
<tr>
<td>(3) Each school district shall use the form in the development, review and revision of all IEPs developed on or after September 7, 2000, unless an alternate form is approved under OAR 581-015-0704.</td>
<td>3. The student’s related services provider(s) and other service provider(s).</td>
</tr>
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</table>

[ORS 343.151]

### OAR 581-015-0704 Approval of Alternate IEP Forms

(1) A school district may use an alternate form in the development, review and revision of IEPs if the Department approves the alternate form.
(2) The Department shall develop criteria for approval of submitted alternate forms. These criteria shall include, but not be limited to: Whether the alternate form meets the requirements for the contents of an IEP under OARs 581-015-0068, 581-015-0102, and 581-015-0568; and Whether use of the alternate form will reduce unnecessary or confusing paperwork.
(3) The Department may establish dates for submission of the alternate form for approval.
(4) Within 10 days of the established date of submission of the alternate form for approval, the Department shall decide:
   (a) Whether the alternate form is approved or disapproved; and
   (b) Any conditions that apply to the use of the alternate form.
(5) The school district may ask for a reconsideration of the decision within 30 days of receiving the Department’s decision in subsection (4). The Department will issue a written response to the district of the reconsideration within 30 days of receiving the request.
**Section 6: IEP**

(6) If the school district changes or modifies the approved alternate form they must submit the form for approval prior to its use.
(7) The decisions of the Department shall be final.

[ORS 343.151]

**OAR 581-015-0065 IEP Meetings and Timelines**

(1) A school district shall conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education.
(2) A school district shall initiate and conduct meetings to review and revise as appropriate each child's IEP periodically but at least once every 365 days:
   (a) To determine whether the annual goals for the child are being achieved; and
   (b) To revise the IEP as appropriate to address:
      (A) Any lack of expected progress toward the annual goals described in OAR 581-015-0068, and in the general curriculum, if appropriate;
      (B) The results of any reevaluation conducted under OAR 581-015-0074;
      (C) Existing information about the child provided to, or by, the parents;
      (D) The child's anticipated needs; or
      (E) Other matters.
(3) A school district shall conduct an IEP meeting more frequently than annually if it believes that a change in the IEP may be necessary to ensure the provision of a free appropriate public education to the child.
(4) A parent may request a meeting at any time to review or revise the IEP if the parent believes that:
   (a) The school district has not made a good faith effort to implement the IEP;
   (b) The IEP is not effective for the child; or

**II. IEP Meetings**

A. The district initiates and conducts IEP meetings at least annually (every 365 days) for the purpose of developing, reviewing, and revising an eligible student's IEP.

B. IEP meetings are conducted within 30 calendar days of the determination that the student needs special education and related services.

C. Each eligible student's IEP is reviewed and revised at least once a year to determine whether annual goals for the student are being achieved, and to make necessary revisions to address:
   1. Any lack of anticipated progress toward annual goals and/or progress in the general curriculum;
   2. Results of any reevaluation;
   3. Information provided about the student to or by the parent; anticipated needs; and
   4. Other matters related to the student's special education needs.

D. The district conducts an IEP meeting any time it believes that a change in the IEP may be necessary to ensure FAPE to the student.
Section 6: IEP

(c) There is another reason for review.

(5) In response to a parent request for an IEP meeting, the school district shall:
(a) Hold an IEP meeting within a reasonable time; or
(b) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting under OAR 581-015-0075.

[Federal Regulation: 34 CFR 300.343]

E. Parents may request a meeting at any time to review or revise the IEP if they believe that the district has not acted in good faith in developing or implementing the IEP, if they feel that the IEP is not effective, or for any other reason for which a review would be appropriate.

F. When the parent requests a meeting the district will either:
   1. Schedule a meeting within a reasonable time, or
   2. Provide written prior notice of the district's refusal to hold a meeting.

G. If a participating agency fails to provide agreed upon transition services contained in the IEP, an IEP meeting is initiated for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the IEP.

H. The district provides prior written notice to the parent upon completion of the IEP, and before implementation of IEP services, if:
   1. The IEP changes the provision of FAPE to the student (e.g., adding or discontinuing a special education or related service); or
   2. The IEP team refuses a parent request for a change in the provision of FAPE to the student.

581-015-0066 IEP Team

III. IEP Team members

A. IEP Team members include the following:

<table>
<thead>
<tr>
<th>OREGON LAW</th>
<th>PORTLAND PUBLIC SCHOOL PROCEDURES</th>
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<tbody>
<tr>
<td>Section 6: IEP</td>
<td>INDIVIDUALIZED EDUCATION PROGRAM (IEP)</td>
</tr>
<tr>
<td>(c) There is another reason for review.</td>
<td>E. Parents may request a meeting at any time to review or revise the IEP if they believe that the district has not acted in good faith in developing or implementing the IEP, if they feel that the IEP is not effective, or for any other reason for which a review would be appropriate.</td>
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<td>(5) In response to a parent request for an IEP meeting, the school district shall:</td>
<td>F. When the parent requests a meeting the district will either:</td>
</tr>
<tr>
<td>(a) Hold an IEP meeting within a reasonable time; or</td>
<td>1. Schedule a meeting within a reasonable time, or</td>
</tr>
<tr>
<td>(b) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting under OAR 581-015-0075.</td>
<td>2. Provide written prior notice of the district's refusal to hold a meeting.</td>
</tr>
<tr>
<td>[Federal Regulation: 34 CFR 300.343]</td>
<td>G. If a participating agency fails to provide agreed upon transition services contained in the IEP, an IEP meeting is initiated for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the IEP.</td>
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<td>H. The district provides prior written notice to the parent upon completion of the IEP, and before implementation of IEP services, if:</td>
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<td>1. The IEP changes the provision of FAPE to the student (e.g., adding or discontinuing a special education or related service); or</td>
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<tr>
<td>2. The IEP team refuses a parent request for a change in the provision of FAPE to the student.</td>
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<tr>
<td>581-015-0066 IEP Team</td>
<td>III. IEP Team members</td>
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<tr>
<td>(1) School districts shall ensure that each IEP Team meeting includes the</td>
<td>A. IEP Team members include the following:</td>
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6.8 Revised: September 2003
### Section 6: IEP

<table>
<thead>
<tr>
<th>Oregon Administrative Rules</th>
<th>Portland Public School Procedures</th>
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<tr>
<td><strong>INDIVIDUALIZED EDUCATION PROGRAM (IEP)</strong></td>
<td>1. One or both of the student's parents;</td>
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<tr>
<td><strong>OREGON LAW</strong></td>
<td>2. The student, when appropriate;</td>
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<tr>
<td><strong>PORTLAND PUBLIC SCHOOL PROCEDURES</strong></td>
<td>3. The student's special education teacher or special education provider;</td>
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<tr>
<td>following participants:</td>
<td>4. The student's regular education teacher, or if the student does not have a regular education teacher, a teacher qualified to teach a student the same age;</td>
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<tr>
<td>(a) One or both of the child's parents, except as provided in OAR 581-015-0067;</td>
<td>5. A representative of the district, who may also be another member of the team, who is qualified to provide or supervise the provision of special education and is knowledgeable about the general curriculum, and about program options, academic, nonacademic, and extracurricular activities. A representative of the district will have the authority to commit district resources, and be able to ensure that all services identified in the IEP can be delivered;</td>
</tr>
<tr>
<td>(b) The child where appropriate;</td>
<td>6. An individual, who may also be another member of the team, who is knowledgeable about the student's disability, and who can interpret the instructional implications of the evaluation results;</td>
</tr>
<tr>
<td>(c) At least one regular education teacher of the child, if the child is or may be participating in the regular education environment, consistent with section (3) of this rule;</td>
<td>7. At the discretion of the parent or district, other individuals, including related service personnel, as appropriate, who have knowledge or special expertise regarding the student;</td>
</tr>
<tr>
<td>(d) At least one special education teacher of the child or, if appropriate, at least one special education provider of the child;</td>
<td>8. The student, if the purpose of the IEP meeting includes the consideration of transition needs (beginning at age 14, or</td>
</tr>
<tr>
<td>(e) A representative of the school district, who may also be another member of the team, who is:</td>
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<tr>
<td>(A) Qualified to provide, or supervise the provision of, special education;</td>
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<tr>
<td>(B) Knowledgeable about the general curriculum;</td>
<td></td>
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<tr>
<td>(C) Knowledgeable about district resources; and</td>
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<tr>
<td>(D) Authorized to commit district resources and ensure that services set out in the IEP will be provided.</td>
<td></td>
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<tr>
<td>(f) An individual, who may also be another member of the team, who is knowledgeable about the child's disability and who can interpret the instructional implications of the evaluation results;</td>
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<tr>
<td>(g) Other individuals invited by:</td>
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<tr>
<td>(A) The parent, whom the parent determines to have knowledge or special expertise regarding the child; or</td>
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<tr>
<td>(B) The school district, whom the school district determines to have knowledge or special expertise regarding the child; and</td>
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<tr>
<td>(h) Transition services participants, as described in section (2) of this rule.</td>
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<tr>
<td>(2) Transition services participants shall be as follows:</td>
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<tr>
<td>(a) If a purpose of the meeting is the consideration of transition for a student, the school district shall invite the student. If the student does not attend the meeting, the school district shall take other steps to ensure that the student's preferences and interests are considered.</td>
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<tr>
<td>(b) If a purpose of the meeting is the consideration of transition services for a student, the school district shall also invite a representative of any other</td>
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<td>agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.</td>
<td>younger if appropriate);</td>
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<tr>
<td>(3) The regular education teacher shall participate, to the extent appropriate, in the development, review, and revision of the child's IEP, including assisting in the determination of:</td>
<td>9. The student, and a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and</td>
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<tr>
<td>(a) Necessary modifications to the general curriculum in the regular classroom and participation in the regular education environment;</td>
<td>10. If the district has referred or placed a student in an ESD, State Operated Program, private facility, or any other program, IEP Team membership will include a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call, or participating through other means.</td>
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<tr>
<td>(b) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child; and</td>
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<tr>
<td>(c) Appropriate positive behavioral interventions and strategies for the child.</td>
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<td>(4) For the purposes of section (3) of this rule, &quot;to the extent appropriate&quot; means:</td>
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<tr>
<td>(a) For those portions of the child's IEP that regular education teachers may be responsible for implementing; or</td>
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<tr>
<td>(b) When the regular education teacher's knowledge about the student or about the general education curriculum is necessary for IEP team decision-making.</td>
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Stat. Auth.: ORS 343.041, ORS 343.045 & ORS 343.055
Stats. Implemented: ORS 343.045 & ORS 343.155

6.10 Revised: September 2003
### Section 6: IEP

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<td>c. Appropriate positive behavioral interventions and strategies; and</td>
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<td>d. All portions of the IEP they may be implementing.</td>
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#### 581-015-0068 Content of IEP REVISED

(1) The individualized education program shall include:

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

(b) A statement of measurable annual goals, including short-term objectives related to:

(A) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, and

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

(c) A statement of the specific special education and related services and supplementary aids and services 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 curriculum and to participate in extracurricular and other nonacademic activities; and

(C) To be educated and participate with other children with disabilities and non-disabled children.

(d) 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)(c) of this rule.

(e) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and

#### IV. Content of the IEP

A. The IEP for each eligible student includes:

1. A statement of the student's present levels of educational performance. The statement:

   a. Includes a description of how the disability affects the progress and involvement in the general curriculum;

   b. Describes the results of any evaluations conducted, including functional and developmental information;

   c. Is written in language that is understood by all IEP Team members, including the parents; and

   d. Is clearly linked to the annual goal statement(s).

2. A statement of measurable annual goals, including short-term objectives. The goals and objectives are written to:

   a. Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
### Section 6: IEP

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<td><strong>Oregon Law</strong></td>
<td><strong>Portland Public School Procedures</strong></td>
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<tr>
<td>activities described in subsection (1)(c) of this rule.</td>
<td>b. Enable the student to be involved in and progress in the general curriculum, as appropriate; and</td>
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<tr>
<td>(f) A statement of any individual modifications and accommodations in the administration of State or district-wide assessments of student achievement, including extended and juried assessments that are needed for the child to participate in the assessment.</td>
<td>c. Clearly describe the anticipated outcomes, including intermediate steps, that serve as a measure of progress toward the goal.</td>
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<tr>
<td>(A) A child shall 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.</td>
<td>3. A statement of the special education services, related services, supplementary aids and services, program modifications, and supports for school personnel that will be provided to the student, or on behalf of the student. These services, modifications, and supports are developed for the student to:</td>
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<tr>
<td>(B) If the IEP team determines that the child will not participate in a general State or district-wide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the child and how the child will be assessed.</td>
<td>a. Meet the annual goals;</td>
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<tr>
<td>(C) For the purposes of subsection (f):</td>
<td>b. Be involved and progress in the general curriculum;</td>
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<tr>
<td>(i) “General assessment” means assessment that results in standard scoring, including the administration of at or above level benchmark testing, with or without accommodations, and/or juried assessment.</td>
<td>c. Be involved and participate in extracurricular and other nonacademic activities; and</td>
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<tr>
<td>(ii) “Modification” means substantial changes in what a student is expected to learn and/or demonstrate. The changes are made to provide a student opportunities to participate meaningfully and productively in learning experiences and environments. They include changes in instructional level, content, and performance criteria.</td>
<td>d. Be educated and participate with other students, with and without disabilities, in academic, nonacademic, and extracurricular activities.</td>
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<td>(iii) &quot;Accommodation&quot; means an alteration in how a test is presented to or responded to by the person tested; it includes a variety of alterations in presentation format, response format, setting which the test is taken, timing or scheduling. The alterations do not substantially change level, content or performance criteria. The changes are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known.</td>
<td>4. For each special education service, related service, supplementary aid and service, program modification, and support for school personnel that will be provided to the student, or on behalf of the student, a description of:</td>
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<tr>
<td>(g) A statement of:</td>
<td>a. The projected date for initiation;</td>
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<tr>
<td>(A) How the child’s progress toward the annual goals will be measured; and</td>
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## Section 6: IEP

### parents are informed of their non-disabled children's progress, of:
(i) Their child's progress toward the annual goals; and
(ii) The extent to which that progress is sufficient to enable the child to achieve the goals by the annual IEP review date.

### 2 For the purposes of transition, the IEP shall include:
(a) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study;
(b) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages; and
(c) Beginning a 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 prior to 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, which ever occurs first.

Stat. Auth.: ORS 343.045; 343.055, and 343.195
Stats. Implemented: 343.045; 343.155

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<tr>
<th>OREGON LAW</th>
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<td>b. Projected duration, or ending date;</td>
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<tr>
<td>c. The anticipated amount and frequency; and who is responsible for implementation of all or part of an IEP;</td>
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<tr>
<td>d. The anticipated location.</td>
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5. A statement of the extent, if any, to which the student will not participate:
   a. With nondisabled students; and
   b. In regular academic, nonacademic, and extracurricular activities.

### 6 A statement of any individual modifications and accommodations in the administration of State or district-wide assessments of student achievement, including extended and juried assessments, that are needed for the student to participate in the assessment.
A statement that describes how the student will participate in Statewide and districtwide assessments of, which includes:

7. A student will not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability unless the parent requests an exemption.
   a. A description of accommodations and/or modifications, if any, to be provided that allow a student to participate either fully or partially in such assessments; and,
### Section 6: IEP

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<th>OREGON LAW</th>
<th>PORTLAND PUBLIC SCHOOL PROCEDURES</th>
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<td><strong>8.</strong> If the team determines that a student will not participate in a general State or district-wide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the student and how the child will be assessed. Statewide and/or districtwide assessment, a statement is included to explain the reasons why a student is being excluded, and describes how the student will be assessed in another way(s).</td>
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<td><strong>9.</strong> A statement that describes how the student's progress toward completion of the annual goals will be measured, and how this progress will be reported to parents at least as often as progress reports for nondisabled students are provided to parents. The progress reports will indicate:</td>
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<td>(a) The progress made toward completion of each annual goal during that reporting period; and</td>
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<tr>
<td>(b) The extent to which the progress will allow the student to meet the annual goals by the end of the IEP.</td>
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### 581-015-0568 IEP Team Considerations and Special Factors  *REVISED*

(1) In developing, reviewing and revising the child's IEP, the IEP team shall consider:
   (a) The strengths of the child and the concerns of the parents for enhancing the education of their child;
   (b) The results of the initial or most recent evaluation of the child; and

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### V. IEP Team Considerations and Special Factors:

A. In developing, reviewing, and revising the IEP, the IEP team considers:

1. The strengths of the student and concerns of the parent for enhancing the education of the student;
Section 6: IEP

(c) As appropriate, the results of the child's performance on any general state or district-wide assessment programs;

(2) In developing, reviewing and revising the child's IEP, the IEP team shall consider the following special factors:

(a) The communication needs of the child; and

(b) Whether the child requires assistive technology devices and services.

(3) In developing, reviewing and revising the IEP of children described below, the IEP team shall consider the following additional special factors:

(a) For a child whose behavior impedes his or her learning or that of others, consider strategies, positive behavioral interventions, and supports 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 shall include a statement to that effect in the child's IEP.

(5) Nothing in OAR 581-015-0068 or this rule shall be construed to require the IEP team to include information under one component of a child's IEP.

2. The results of the initial or most recent evaluation of the student; and

3. As appropriate, the results of the student’s performance on any general State or district-wide assessment.

B. In developing, reviewing, and revising the student’s IEP, the IEP team considers the following special factors:

1. The communication needs of the student; and

2. The need for assistive technology services and/or devices.

C. As appropriate, the IEP team also considers the following special factors:

1. For a student whose behavior impedes his or her learning or that of others, strategies, positive behavioral intervention, and supports to address that behavior;

2. For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;

3. For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of reading and writing media, including evaluation of future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate; and

4. For a student who is deaf or hard of hearing, the student's
Section 6: IEP

that is already contained under another component of the child's IEP.

Stat. Auth.: ORS 343.041; 343.045; 343.155
Other Authority: The individuals with Disabilities Education Act (IDEA) regulations at 34 CRR 300.342, 343, 344, 346, 347, 348, and 350
Stats. Implemented: ORS 343.045 and 343.155

D. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:

1. Beginning at age 14, and younger if appropriate, a statement of transition service needs that focus on the student's course of study; this statement must be updated annually;

2. Beginning at age 16, and younger if appropriate, a statement of needed transition services, including a description of interagency responsibilities and linkages, if any;

3. At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and

4. If identified transition service providers fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies, and revise the IEP if necessary.

<table>
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<tr>
<th>OAR 581-015-0603 Incarcerated Youth</th>
<th>VI. Incarcerated Youth</th>
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**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

**OREGON LAW**

**PORTLAND PUBLIC SCHOOL PROCEDURES**

language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
### Section 6: IEP

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<td>...(2) For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities, and otherwise entitled to FAPE: (a) the following IEP requirements do not apply: (A) The requirements contained in OAR 581-015-0068(1)(f) relating to participation of children with disabilities in statewide and school district assessments; and (B) The requirements in OAR 581-015-0068(2) relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release. (b) The IEP team may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements of OAR 581-015-0068(1) relating to IEPs, and OAR 581-015-0059 relating to least restrictive environment, do not apply with respect to these modifications. (3) For purposes of this rule, “adult correctional facility” has the meaning set forth in OAR 581-015-0601(5)(a). [Federal Regulation: 34 CFR 300.311]</td>
<td>A. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities, and otherwise entitled to FAPE, the following IEP requirements do not apply: 1. Participation of students with disabilities in State and district-wide assessment; and 2. Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from the adult correctional facility based on consideration of their sentence and eligibility for early release. B. The IEP team may modify the student's IEP, if the State has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated.</td>
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### OAR 581-015-0070 School District and Participating Agency Responsibilities for Transition Services

(1) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the school district responsible for the student's education shall, as soon as possible, initiate an IEP meeting to identify alternative strategies to meet the transition objectives for the student set out in the IEP and, if necessary, to revise the student's IEP. (2) Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide

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*Revised: September 2003*
Section 6: IEP

or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

[Federal Regulation: 34 CFR 300.348]

OAR 581-015-0605 Extended School Year Services

(1) School districts shall ensure that extended school year services are available as necessary to provide a free appropriate public education.
(2) Extended school year services must be provided only if the child's IEP team determines, on an individual basis, in accordance with OAR 581-015-0064 through 581-015-0070, 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 shall develop criteria for determining the need for extended school year services.
(a) Criteria shall include regression and recoupment time based on documented evidence or, if no documented evidence, on predictions according to the professional judgment of the team.
(b) Criteria may include additional factors such as:
(i) The nature and severity of the child's disability;
(ii) The child's rate of progress;
(iii) The availability of alternative resources;
(iv) The child's need to interact with children without disabilities;
(v) The areas of the child's curriculum that need continuous attention;
(vi) The child's vocational needs;

VII. Extended School Year Services

A. The district makes extended school year (ESY) services available to all students for whom the IEP Team has determined that such services are necessary.

B. ESY services are:

1. Provided to a student with a disability in addition to the services provided during the typical school year;

2. Identified in the student's IEP; and

3. Provided at no cost to the parent.

C. Consideration of ESY services will not be limited to particular categories of disability, and will not be limited to a type, amount, or duration of service.

D. ESY services are available to maintain the student's skills or behavior; ESY services are not provided to teach new skills or behaviors.

E. The district has established criteria for determining the need for ESY services.
### Section 6: IEP

(vii) The nature of services requested (e.g. extraordinary or integral to the child's program); and
(viii) Emerging skills, or breakthrough opportunities, that would be lost without extended school year services.

(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:
(i) Beyond the normal school year of the school district;
(ii) In accordance with the child’s IEP; and
(iii) At no cost to the parents of the child; and
(b) Meet the standards of the Department.

[Federal Regulation: 34 CFR 300.309]

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<td>1. These criteria include:</td>
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<td>a. Evidence of the student’s regression and recoupment of skills and/or behavior, based on documented evidence; or</td>
<td></td>
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<tr>
<td>b. If no document evidence, predictions regarding the student’s regression and recoupment of skills and/or behavior.</td>
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<tr>
<td>c. Regression means a significant loss of skills or behaviors that may result if services are interrupted.</td>
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<tr>
<td>d. Recoupment means the ability to recover skills and/or behavior to a level that was achieved prior to the interruption of service.</td>
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2. Additional criteria which may be used in determining the need for ESY includes:

| a. The nature and severity of the disability; |
| b. The student's rate of progress, as evidenced through evaluation data and/or progress on the IEP; |
| c. Availability of alternative resources; |
| d. The student's need to interact with other students with and without disabilities; |
| e. The need to provide continuing instruction and support in specific areas of the student's curriculum; |
| f. The need to provide continuing instruction in support of the... |
### Section 6: IEP

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<td>Student's vocational needs;</td>
<td>g. The nature of the services requested (e.g., services that may be extraordinary or integral to the program); and</td>
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<tr>
<td>h. Any skills that may be emerging or developing that would be lost without ESY services.</td>
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### OAR 581-015-0560 Assistive Technology

(1) School districts shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as a part of the child's special education, related services or supplementary aids and services.

(2) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices to receive a free appropriate public education.

(3) School district policies shall govern liability, if any, for the loss or damage of assistive technology devices.

(4) School district policies shall govern transfer of an assistive technology device when a child with a disability using the device ceases to attend school in the district that purchased the device. "Transfer" means the process by which a school district that has purchased an assistive technology device may sell, lease or loan the device for the continuing use of a child with a disability who is ceasing to attend school in the district.

See Attachment D.

[Federal Regulation: 34 CFR 300.308]
ASSISTIVE TECHNOLOGY LOANS TO STUDENTS

District-purchased assistive technology devices may be loaned to a student with a disability in order to receive a free appropriate public education. Parents are liable for loss, theft or damage due to negligence or misuse of these devices. When the student is no longer eligible for special education services in the District, including moving out of the District and moving to another school district, the assistive technology devices will be returned to the District.
INDIVIDUALIZED EDUCATION PROGRAM

Section 6

Portland Public Schools
Special Education
OPERATIONS
INDIVIDUALIZED EDUCATION PROGRAM (IEP) PURPOSE

Following assessment and a special education eligibility determination, an Individualized Education Program (IEP) is written by a group of individuals who comprise the student’s IEP team. The IEP for students with educational disabilities serves many purposes.

At least annually the special education teacher or special education specialist convenes an IEP meeting to review a student’s progress toward his or her IEP annual goals and short-term objectives. The special education teacher or specialist is responsible for setting up the IEP meeting, inviting the appropriate participants, and conducting the meeting. An IEP Progress Report form (C-7 Review) must be completed on a quarterly basis.

1. The IEP is based on the unique individual needs of a student. The intent of the federal and state regulations and district policy and procedure is that the IEP is planned by a team and implemented for each student as an individual.

2. The IEP is the written document, which identifies the special education and related services for a student and coordinates the needed transition services with the student's individual goals and objectives. It is a commitment of specially designed instruction and related services to meet the unique educational needs of an individual student.

3. The IEP is a team process. The team includes the parent(s), the student (when appropriate), a general education teacher, a special education teacher and a District Representative. The team process is based on the equal participation of each member. The team identifies the student's individualized educational needs, develops specific skill goals and objectives, which are clear and measurable, identifies any necessary instructional modifications and determines the necessary related services.

4. The IEP is a management and evaluation tool for parent(s) and school personnel. The IEP directs the implementation of a student's specific special education services. The evaluation and schedules information is used to measure the student's progress toward achievement of his/her IEP goals and objectives. It also ensures that a student is receiving a free appropriate public education as agreed upon by the team.

5. The IEP is a process which facilitates communication between parents and District personnel.

6. The IEP is a process for resolving differences. It provides an opportunity for parents and school personnel to discuss educational concerns.
SPECIAL EDUCATION SERVICE DELIVERY MODELS

The District employs two different models for the delivery of special education services:

1. Direct services and
2. Consultation services.

These models apply to the provision of specially designed instruction and related services. In addition, a student’s IEP team may use either or both models with a specific student.

**Direct Services.** Direct services involve direct interaction by a special education teacher or service provider with a student or group of students on a regularly scheduled basis, such as daily, weekly or monthly.

**Consultation Services.** Consultation services involve special education teachers or service providers providing technical assistance and training to other individuals who deliver the services to the student. The actual service provider may be a regular education teacher or an educational assistant. The special education teacher must meet with the actual provider on a regular basis, assist with designing educational materials for the student, provide training to the provider regarding how to deliver the instruction, determine the student progress, revise the instruction if necessary and document all of these requirements.

**Documentation of Consultation Services on an IEP.** The IEP form must state the actual amount of time the student will receive specialized designed instruction from the regular education or educational assistant. The consultation process must be described in the accommodations and modifications section of the IEP form.
PARTICIPANTS IN IEP MEETINGS

The staff member responsible for arranging the IEP meeting must ensure that a “District Representative” is present at the IEP meeting. The person fulfilling the role of “District Representative” can be any District staff who is qualified to provide or supervise the provision of special education services. This may be a Speech Pathologist, Special Education Teacher, School Psychologist, Adaptive Physical Education Teacher. It may not be an Occupational Therapist, Physical Therapist or Regular Education Teacher. The District Representative must have authority to make decisions about the specific special education and related services that will be provided. This person may wear two hats and may function as another member of the team.

For the majority of the students (students NOT in need of complex, extensive, or unusual services), the District Representative will be one of the staff members already knowledgeable about the student and his/her needs. Special education teachers, speech pathologists, psychologists and program chairs are qualified and authorized to commit the services they provide as well as usual and customary related services and placements. Usual and customary related services are the services provided by itinerant specialists such as autism specialists, occupational therapists, physical therapists, and psychologists. Usual and customary placements are Resource Centers and the continuation of any placement in a Structured Learning Center (SLC).

An initial placement in a Structured Learning Center involves advance planning by the IEP Team and special education supervisory staff. It is expected that prior to the IEP Team decision, planning occurs with the provider of the proposed services.

District Special Education Supervisors need to be involved as the District Representative when a student's needs are complex, extensive, or unusual. Complex, extensive, or unusual services include extraordinary safety and medical needs, extensive specialist service, additional staff, transportation other than bus, and purchase of out-of-district services. If it is not clear who should be the “District Representative” in a specific case, contact your Cluster or Program Supervisory staff.
PARENT NOTICES AND DISCUSSIONS AT MEETINGS
IN THE PARENT’S NATIVE LANGUAGE

Procedure: When translation or interpreter services are needed, the ESL Request for Services form must
be completed and signed by the Director of Special Education. These forms are available from ESL staff
members or the ESL Department and a copy of it is on the next page in this manual. A copy of this
document must be placed in the student’s special education file (green file).

Legal Requirements: Federal and Oregon law contain provisions which address when communications
with parents must be in the parent’s native written or verbal language. The following is a summary of those
requirements.

1. Meeting Notice form (i.e., for evaluation planning, eligibility, IEP and placement meetings, etc.)
   and Notice of Transfer of Rights form.

The law does not require that the District provide parents with these notices in the parent’s written native
language. See 34 CFR §§ 300.345, 300.517 and OAR 581-015-0063, OAR 581-015-0102. Therefore,
these written notices do not have to be translated into the parent’s written native language. Instead,
parents must be verbally informed of the notice in their native language and given a copy of the notice in
English. Place a copy of the Request for Services form in the student’s special education file (green file).

2. Prior Written Notice form:

The IDEA and Oregon law require that prior written notice must be provided in the native written language
of the parent, or other mode of communication, used by the parent, unless it is clearly not feasible to do so.
If the native language or other mode of communication of the parent is not a written language, the District
must take steps to ensure:
   (i) That the notice is translated verbally or by other means to the parent in his or her language
       or mode of communication;
   (ii) That the parent understands the content of the notice; and
   (iii) That there is written evidence that the requirements in (i) and (ii) have been met.

District staff must have prior written notice forms translated into the parent’s written native language unless
it is clearly not feasible to do so. If it is clearly not feasible, the form must be verbally interpreted for the
parent by a qualified interpreter. On the Request for Services form, write that the parent understands the
contents of the notice and have the parent sign it. The written translation may be written below the English
content on the prior written notice form. See 34 CFR § 300.503 and OAR 581-015-9975. Place the
Request for Services form in the student’s special education file (green file).

3. Parent Consent forms (i.e., for consent to release information for an evaluation and for
   placement into special education)

The law requires that when the parent provides the District with consent for an activity, the parent must give
“informed” consent. This means that when the parent 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,
unless it is clearly not feasible to do so. These forms must be verbally interpreted for the parent by a
qualified interpreter. The forms do not have to be translated into the parent’s written native language. Place a copy of the Request for Services form in the student’s special education file (green file).

4. **Discussions at Meetings (i.e., meetings for evaluation planning, eligibility, IEP, placement and manifestation determination):**

Under the law, school districts must make reasonable efforts to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. See 34 CRF § 300.345 and OAR 581-015-0063. District staff must arrange for a qualified interpreter to attend these meetings so that the parent understands the proceedings. However, the law does not require that the District provide the parent with a written translation in the parent’s native language of a student’s IEP or other District forms, including the Medical Statement or Health Assessment form; Placement Determination form; ESY Addendum for (C-ESY); ESY Data form (C-ESY Data); Service Plan form (C-Service Plan); Functional Behavioral Assessment form; Behavior Intervention form; Manifestation Determination form; or Behavior Intervention Plan form. It is sufficient to have a qualified interpreter at the meeting who verbally translates the content of the meeting and forms to the parent. The interpreter may also need to be available to the parent after the meeting if the parent has additional questions. Place a copy of the Request for Services form in the student’s special education file (green file).

5. **Procedural Safeguards Notice (Parent Rights Brochure):**

The procedural safeguards notice must be provided in the written native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. See 34 CFR § 300.504 and OAR 581-015-0079. Special Education Parent Rights Brochures are available in the following translations: 1) English, 2) Spanish; 3) Chinese; 4) Vietnamese; and 5) Russian. If District staff are working with a parent whose native language is not one of these five written translations, staff must arrange for a qualified interpreter to verbally interpret the document for the parent. Place a copy of the Request for Services form in the student’s special education file (green file).
TEACHER ATTENDANCE AT IEP MEETINGS
CONTRACT PROVISIONS

Article 20 Workday/Work Year/School Calendar

B. 3. Beginning in 1999-2000, in addition to contractually provided planning days, special education unit members assigned to conference with parents and write IEPs shall be provided three (3) days of released time, per year, for that purpose. A special education unit member may elect to use these days or the equivalent hours before or after the school year or outside his/her workday at his/her per diem hourly rate of pay.

B. 4. Beginning in 1999-2000, unit members who are required to conference regarding IEPs shall have a substitute provided to allow for such meetings to occur within the workday. If a unit member volunteers to attend such conference outside of the workday such member shall be compensated at his/her per diem hourly rate.

Procedures:

1. Special Education unit members will complete documentation form for writing IEPs and/or IEP conferencing with parents.

A. In order to receive release time/substitute, the special education member must notify the building principal (Special Education Supervisor for itinerant staff) in advance of the day(s) that a substitute is being requested. Complete the documentation form and follow District procedures for obtaining a substitute. (Article 20, B. 3.)

B. In order to receive your per diem hourly rate, the special education unit member must complete the documentation form. If your workday is 7.5 hours (i.e. teachers, adapted P.E., speech language pathologists) the total number of hours available under Article 20 Section B. 3. is 22.5. If your workday is 8.0 hours (i.e. school psychologists, audiologists) the total number of hours available is 24. Less than full time employees will receive hours proportional to their workday. (i.e. .5 FTE = 3.75 hours x 3 days = 11.25 hours) (Article 20, B. 3.)

C. In order to receive release time/substitute for required conferences regarding IEP’s, the building principal (Special Education Supervisor for itinerant staff) must be notified in advance of the time/day/s that a substitute is being requested. Complete the documentation form and follow District’s procedures for obtaining a substitute. (Article 20, B. 4.)

D. In order to receive your per diem hourly rate for required attendance at conferences regarding IEPs that occur outside your workday, complete the documentation form for such IEP meetings requiring your attendance. (Article 20, B. 4.)

2. General Education unit members required to conference regarding IEPs must complete the documentation form. (Article 20, B.4.)

A. In order to receive release time/substitute, the building principal must be notified in advance of the time/day a substitute is being requested. Complete the documentation form and follow District procedures for obtaining a substitute.
B. In order to receive your per diem hourly rate for IEP conferencing outside of your workday, complete the documentation form for such IEP meetings requiring your attendance.

C. STUDENT ID NUMBERS ARE REQUIRED ON THE DOCUMENTATION FORM.
   Note: IEP meetings must be scheduled at a mutually agreed upon time and location.
UNIT MEMBER
DOCUMENTATION OF
IEP WRITING AND / OR IEP CONFERENCING
(Article 20, B.3 and 4)

Date: ______________________

Name of unit member: ________________________________________________

Gen Ed { } Sp Ed { } Position: __________________________________________

School: ____________________________________________________________

Options: (Check on and / or explain)

[ ] 1. Request release time / substitute for __________________________ / _______
    number of hours date

[ ] 2. Request per diem hourly rate for __________________________ / _______
    number of hours date

Activity / Activities completed for this request:

[ ] IEP writing (Special Education unit member only)

[ ] Required IEP conferencing (any unit members)

List students by ID number(s) only:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

All general and special education teachers must submit this form to their building principal. Itinerant staff (including Contract Programs, Hospital Programs) must submit this form to their special education supervisor. Unit members are responsible for keeping track of their time.
ANNUAL IEP WORKSHEET

Student Name: ___________________________ IEP Date: ______________

PRIOR to the Annual IEP Team Meeting

☐ Staff who will attend IEP meeting contacted - meeting dates agreed upon for
case manager to offer parents.
☐ Determine if student will be turning 14 and needs Transition Plan
☐ Parents contacted - mutually convenient date determined for IEP meeting
☐ Confirmation sent to ALL with date, time, location
☐ IEP Meeting Notice & Parent Rights Pamphlet mailed to parents (C-2)
☐ Consider sending copy of draft IEP to parent in advance of meeting - Label copy "DRAFT"

At the START of the IEP Team Meeting

☐ Introductions
☐ Review agenda for meeting

FIRST, develop the Goal Sheet (C-7)

☐ Review progress data on each annual goal from the previous IEP
☐ Identify deficit areas using current assessment information: ___________________________
and Transition Plan
☐ PLOP - include how student's disability affects performance in general curriculum
☐ Annual Goal is measurable
☐ Short Term objectives with Criteria, Evaluation Procedures and Schedule for Review

SECOND, develop the Cover Sheet - Part II & III (C-7)

☐ Supplementary Aids and Services
☐ Program Modifications
☐ Supports for School Personnel
☐ Document Consideration of ALL Special Factors
☐ How student will participate in State
and District assessment
☐ Statement of how and when progress will be reported

THIRD, develop the Cover Sheet - Part I (C-7)

☐ Describe Specially Designed Instruction
☐ Describe Related Services
☐ Indicate Transition Plan completed or,
does not apply
☐ Consider need for ESY

FOURTH, develop the Placement Decision (C-9)

☐ Document placements considered and reasons for selection or rejection
☐ Identify persons making this decision
☐ Date of this placement decision
☐ Complete prior notice if placement is changed from previous IEP (C-10)

To END the IEP Team Meeting

☐ Date all forms
☐ List participants or have participants sign
☐ Distribute copies to all IEP team members and appropriate general education teachers
☐ THANK YOU

ITEMS for Follow-up:

☐ ____________

Revised: September 2003
PROACTIVE APPROACHES TO SUCCESSFUL IEP/IFSP MEETINGS

I. The Agenda

A. Set forth each topic to be covered, the time allotted for each and the individual who will be primarily responsible for providing information.

B. Note the objective or outcome for each agenda item (e.g., “The team will select the placement that is the least restrictive environment in which the IEP can be implemented”).

C. Consider distributing the agenda ahead of time or inviting the parents to submit issues that they would like to be considered for agenda items.

D. Establish a firm “end time” and a statement of what must be accomplished by that time, as well as noting times that anyone will have to leave early.

E. Assign a facilitator, who will review the agenda and the rules of comportment at the beginning of each meeting, and can also act as timekeeper – the facilitator will also frame the questions so that each objective on the agenda is addressed.

F. Beware of the following:
   • last minute additions to the agenda;
   • methodology discussions and other day-to-day teaching issues;
   • rehashing decisions made at prior meetings;
   • personnel issues/assignments; and
   • issues not properly before or to be determined by the IEP team.

II. Conducting the Meeting

A. The facilitator is responsible for giving individuals an opportunity to dissent and/or respond to comments, but also for drawing closure and moving the team on to the next agenda item, even when agreement is not reached.

B. Control of repetition of positions, argumentation, rehashing an issue.

C. When time is running out – options to consider:
   • set another date and time;
   • decide to keep working;
   • decide NOT to meet again; and
   • bring the agenda items to closure.
IEP MEETING RULES

In order to foster a cooperative, productive environment and in order to ensure an efficient resolution of any disputes or matters of discussion, the District requests and requires that all IEP meeting members and attendees adhere to the following rules of procedure:

1. Participants will adhere to the subject matters and time limits set out in the agenda.

2. Each person will be given an opportunity to share his or her viewpoint without interruption, and only one person will speak at a time.

3. Absolutely no profanity or derogatory language will be tolerated, and use of such language will result in immediate expulsion from the meeting.

4. All participants will show respect and tolerance for others' thoughts and opinions, and comments will focus on the substance of the matter at hand - not personal attacks on the speaker or the service provider.

5. When the facilitator determines that consensus cannot be reached, the meeting minutes will reflect the viewpoint of each participant or group of participants, and the facilitator will summarize the final decision and offer of the school district.

6. Team members will focus their comments and attention on current issues, instead of decisions or discussions at previous meetings.
DRAFTING IEP GOALS AND OBJECTIVES

The following are required components of an IEP:

1. **Present Level of Performance**
   a. A brief statement of strengths and weaknesses in the skill area;
   b. Concise information about the current skill level;
   c. Measurable and objective terms that can be understood by a parent; and
   d. A description of how the disability affects the child's involvement and progress in the general curriculum.

   **Remember:** The PLOP sets forth the information that will be used when drafting the ANNUAL GOALS and SHORT-TERM OBJECTIVES.

2. **Annual Goal**
   a. Identifies an area of focus;
   b. Relates to meeting the student's needs and enables the student to be involved in and progress in the general curriculum;
   c. Can be reasonably accomplished in 12 months; and
   d. Relates directly to the information in the PLOP.

3. **Short-Term Objectives**
   a. An observable and measurable behavior that is a subcomponent of the student's ANNUAL GOAL or
   b. An intermediate step between the PLOP and the accomplishment of the ANNUAL GOAL.

   **Remember:** The purpose of a SHORT-TERM OBJECTIVE is to gauge how well the child is progressing toward achievement of the ANNUAL GOAL. Special education teachers must review the student's progress on SHORT-TERM OBJECTIVES to determine whether the student is making sufficient progress to achieve his or her ANNUAL GOAL by the end of the year.

4. **Criteria and Evaluation Procedures**
   a. Write the CRITERIA that indicates how the student will demonstrate the skill to be considered successful as it relates to the ANNUAL GOAL.
   b. Write the EVALUATION PROCEDURES that will be used to determine if the student has met the CRITERIA (examples: work samples, state wide performance, etc., standardized test, curriculum based assessments)

5. **Data Collection**

   The service provider will:
   a. Be able to identify where a student is functioning in regard to meeting his goals and objectives;
b. Have documentation to support the progress reported; and
   c. Plan, adapt and modify instruction based on the collected data.

To show compliance with the IDEA, DATA must be maintained for five years beyond the year in which the data was collected.

Remember:
1. The purpose of a SHORT-TERM OBJECTIVE is to gauge how well the child is progressing toward achievement of the ANNUAL GOAL. Special education teachers must review the student's progress on SHORT-TERM OBJECTIVES to determine whether the student is making sufficient progress to achieve his or her ANNUAL GOAL by the end of the year.
2. Do not confuse quarterly progress report data with the instructional or behavioral data that is collected more frequently and informally reviewed to monitor ongoing effectiveness of behavior interventions and the instructional strategies.
REVISIGN AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

At an annual IEP meeting, a new IEP Cover Sheet Part I and II forms (C-7 Parts I and II) are completed. This practice should continue.

In the past, when IEP revisions were made and it was not an annual review, District staff were instructed to not make the changes on the IEP Cover Sheet. Instead, they were asked to describe the changes on an IEP Review form (C-7 Review). This practice has created tremendous confusion when a staff member needs a copy of the student’s current IEP. Staff can never be certain that the IEP they find is complete without reviewing the entire special education file. Therefore, this practice will no longer be used.

When District staff convene an IEP meeting and it is not an annual IEP meeting, all revisions must be noted on the existing IEP. The following procedures must be followed:

1. On the IEP Cover Sheet state that there was an IEP review meeting and the date of the meeting.

2. Do not change the original “IEP Meeting Date” unless the entire IEP was reviewed and revised. In that case, use a new IEP Cover Sheet.

3. Do not change the “Starting Date” unless the specific needs of the student require that you do so. The student’s annual IEP review date and duration should be the same, and will occur as set forth on the existing IEP.

4. You can make the changes using any language as long as it is clear to the reader what was revised and the date of the revisions.

5. Attach a page that states the date of the IEP meeting and lists the IEP team members in attendance.

6. If you need more space under the modification and accommodation section of the IEP, add another page. Note on the original the date and revisions and that there is an attached page.

7. If you are making minor revisions to goals and objectives, write the date of the meeting, state there is a revision, and make the revision on the existing goal and objective page. If you are adding new goals and objectives and need more space, note this with the date on the existing page and attach additional goal and objective pages.

8. If you add new goals, you must report progress on these on a quarterly basis.

9. Remember, that as long as you clearly record on the existing IEP what you are revising, there is no right or wrong way to make these revisions. You are encouraged to use any language that clearly describes the changes made by the IEP team.

10. Provide the parent with a Prior Written Notice form addressing the revisions that were made. The only time a Written Prior Notice form is not required is when you are holding an annual IEP Meeting at which the entire IEP is reviewed and revised and the parent is present at that meeting.
11. At the end of the meeting, staple all of the IEP pages together, including the existing IEP and the revised pages. This is the student's current IEP, and copies of this should be given to the parents and staff and placed in the student's special education file.
CHECKLIST OF IEP COMPONENTS

Present Level of Performance (PLOP)
- Reflects the student's strengths and weaknesses;
- Describes the current skill level;
- Describes how the disabilities affect the student's involvement and progress in the general curriculum;
- Is measurable;
- Is written in objective terms; and
- Is understandable to all team members.

Annual Goals
- Relates directly to the PLOP;
- Identifies areas of focus;
- Relates to the student's needs;
- Can be accomplished in 12 months;
- Is measurable;
- Is written in objective terms; and
- Is understandable to all team members.

Short Term Objectives
- Is a subcomponent of or intermediate step to the annual goal;
- Provides conditions (i.e. “Given...”) if appropriate;
- Does not include criteria, evaluation, procedures or schedule or review; and
- Is measurable.

Criteria
- Indicates sufficient progress towards achieving annual goal.

Evaluation Procedure
- Indicates how the student's performance will be evaluated on achieving annual goals.

Revise each of the IEP elements to include any items not checked. All must be present.
DATE: November 14, 2000
TO: All Special Education Staff
FROM: Maxine Kilcrease, Director of Special Education
Connie Bull, Special Education Legal Specialist
RE: Completion Dates of Annual IEPs

Several questions have been raised regarding the completion of a student's annual IEP. This memorandum addresses those questions.

As a general rule, a student's annual IEP must be finalized on or before the date of the student's prior IEP, i.e. within 365 days. In order to accomplish this, District staff must schedule the evaluation planning meeting, the evaluation, and an IEP meeting in advance of that date. In those cases where it has historically taken several IEP meetings to finalize an IEP, District staff should take this into account when scheduling the required activities so that the IEP is finalized on or before the prior IEP date. If the team meets on several different dates, all dates must be listed on the IEP cover sheet, and the date on which the IEP is finalized must be circled. If a student's IEP is not finalized by the date of his or her prior IEP, the District may be found in violation of the IDEA in an IDEA complaint investigation or due process hearing.

In the rare* case where a team has not finalized a student's IEP by the required date, District staff may do one of two things. First, if the student has not met all of the goals and objectives on the IEP, staff may extend the past IEP for 30 days to allow for the completion of the new IEP. Alternately, staff may implement those portions of the new IEP that are finalized and the sections of the prior IEP that have not been revised but have not been achieved by the student. The parent must agree with whichever alternative is chosen. It is important to keep a record of all meetings and record the IEP decision and the parent's consent on a prior written notice form (C-10) and provide the parent with a copy of this form.

*Note that the procedures relating to an extension of a prior IEP should only be used in rare cases because it is probable that the District will be found out of compliance with the IDEA regarding the IEP completion date even if these procedures are followed.
HEALTH SERVICES AND THE IEP

Students who have the disability of Other Health Impaired (OHI) may require health or nursing protocols, or emergency medical protocols, in addition to special health-related IEP goals.

1. To obtain assistance from a nurse for students suspected as OHI, or eligible as OHI, contact the school nurse.

2. The nursing protocol, or emergency medical protocol, is written by either a nurse who assessed the student's condition and needs, or by the student's physician. It describes the plan of care necessary for the student to function in the school environment.

3. Nursing is listed on the IEP as a related service under health services.
   a. Nursing as a related service only:
      If the student requires only a nursing or emergency medical protocol, the health service (related service) box is checked.
   b. Nursing as a related service and IEP goal:
      If a component of the plan of care results in a skill that the student will be expected to achieve or carry out, an IEP goal is written, i.e., student will suction self, student will demonstrate self-catheterization skills. The goal will also indicate who will be responsible for the instruction.
   c. In both instances, the IEP manager will contact the nurse before the annual review to determine the student's annual progress and whether the goal and related services should continue, and quarterly in order to complete a progress report for this goal.
Q & A on Modified Grading and Report Cards
Oregon Department of Education
February 16, 2001

Although the Individuals with Disabilities Education Act (IDEA) and its regulations do not specifically address modified grading and grade reporting practices, ODE often gets questions from school staff and parents about these issues. This Q & A is based on information from various sources, including the Office of Civil Rights of the U.S. Department of Education, and other special education legal references. Our purpose in providing this information is to support equitable and non-discriminatory treatment of students with disabilities.

1. Must a student with a disability be given grades in a general education classroom?

It depends. If grades are the standard used for granting general education credit, students with disabilities enrolled in that class should receive grades. Grades provide a measure of the student's mastery of a particular subject area, and provide the IEP team with information to make appropriate educational decisions.

2. May a student with a disability in a general education classroom be given a modified grade rather than a standard grade?

Alternative grading systems may be appropriate as long as the district ensures that grading policies and practices are not discriminatory. For example, the district may offer alternative pass/fail grading for all students, regardless of whether or not a student has a disability. If an asterisk on the report card indicates, "individualized learner objectives", then the use of an asterisk would have to be applied to all students, not just those receiving special education.

Modified grading (and/or modified curriculum) may be necessary when a student's disability makes it impossible for them to achieve the level of performance expected of other students. A student's IEP team would decide if modified grading (and/or modified curriculum) is necessary for a student with a disability. At least one of the student's regular education teachers participates on the IEP team. This is a critical area of IEP team participation for regular education teachers.

Not all modifications or accommodations on a student's IEP affect the student's ability to master the objectives of the course. For example, a student with learning disabilities who needs books on tape and to take tests orally may acquire sufficient knowledge of world history to master the objectives of the course. These modifications/accommodations do not, of themselves, imply that the course content has been modified or that the grading system needs to be modified for this student.

3. Can classes be identified as special education classes on the high school student's report card or transcript to indicate that the student has had a modified curriculum in a general education class?

No. The class should be described based on the content of the curriculum. Words such as "English essentials" or "practical math applications" or other descriptive phrases must be used. Other acceptable descriptive words include: "basic", "level 1", "independent study", etc. Words such as "special education English" or "resource math" should not appear on the transcript.

If a student is in a general education math class but is working on math skills at a much lower level (say, the class is 8th grade algebra, but the student is working on functional math skills), the transcript or report card should indicate that that period is a functional math skills class (rather than algebra) for that student.
Alternatively, the transcript or report card could identify the class as algebra with an asterisk that indicates the student is working on "individualized learner objectives."

4. Can asterisks or other symbols or codes be written on a high school student's report card or transcript to indicate that the student has had a modified curriculum in the general education class?

Yes. Modifications or exceptions to the grading scale may be identified as long as the notation of modifications or exceptions does not identify the student as having a disability or being in special education. These modifications or exceptions must be available to any student, not just those students with disabilities. An asterisk after the grade may denote that the student received modified grades or completed work at a lower grade level. However, the explanation of the asterisk on the transcript or report card may not indicate the student's participation in special education.

The decision to specially mark a class should not be based on the student's disability but used only where a student is unable to master the objectives of the course even with appropriate modifications/accommodations.

5. Is it considered discrimination for students with disabilities to receive low or failing grades?

No. However, continuing a student in a class where the student is receiving poor grades needs to be considered by the IEP team. The team should review the student's performance and his/her behaviors and review whether the student is receiving the necessary special education and related services, supports, and accommodations and modifications.

6. How does an IEP team decide whether a student needs modified grading?

Typically, grades may reflect:

- The relative quality of a student's work;
- The student's readiness for future instruction;
- The student's level of competence/skill mastery;
- The student's effort and participation; and/or
- The student's completion of class work and homework.

The IEP team may want to discuss how these factors will be applied to a student with a disability, and whether any of these factors need to be adjusted because the factor is disproportionately affected by the student's disability. It is critical that a general education teacher participate in this discussion and decision-making process. This is an area where it is critical to have collaboration between general and special educators, the student and the parents.

Examples:

a. An IEP team is considering grading for a student with ADHD and serious organizational problems with homework. The team decides that the student needs targeted instruction on organizational skills and daily home-school communication to maintain a homework system. The team agrees to modified grading (not counting homework for grading purposes as long as the student can demonstrate course objectives based on classroom work) for one quarter while the team evaluates the effectiveness of the other interventions. The student's IEP includes the following:

Specially Designed Instruction:
organizational skills 20 min/day classroom 1/28/01 to 3/12/01

Supplementary Aids/Services, Modifications & Accommodations
home-school communication daily classroom 1/28/01 to 3/12/01
(first period teacher to give student tracking form)
(last period teacher to check for completeness)
modified grading quarterly classroom 1/28/10 to 3/12/01
(quarter grade not to be reduced by missing homework, across all classes, third quarter only, to be reconsidered at end of third quarter)

b. An IEP team is considering grading for a student with a communication impairment who unable to speak up in class. The team decides that class participation will not be counted for grading purposes, and that the teacher will periodically meet with the student individually or in a small group to give the student more comfortable opportunities for practicing her communication skills. The student's IEP includes the following:

Supplementary Aids/Services, Modifications & Accommodations;
modified grading quarterly classroom 1/28/10 - one year
(classroom participation not factored into grade, across all classes)
modified assignments see * classroom 1/28/01 - one year
*when oral presentations are assigned, student will be offered option to present in small group or 1:1 with teacher

c. An IEP team is considering grading for a student with mental retardation who receives all of her special education services in a regular class. She is mostly working on individualized objectives that parallel the regular curriculum but she cannot demonstrate mastery at the same level expected of other students at that grade level. The IEP team decides that the student will be graded in each content area based on mastery of her individualized learning objectives. In a few areas she is capable of demonstrating mastery at the same level expected of other students at that grade level. In those areas, she will be graded as the other students are.

The student's IEP includes the following:

Supplementary Aids/Services, Modifications & Accommodations;
modified grading daily classroom 1/28/10 - one year
(grades based on IEP objectives for reading, written language, math)
(grades in science, social studies, music & PE not modified)

7. Can a general education teacher refuse to implement modifications and accommodations on a student's IEP?

No, individual teachers do not have the discretion to refuse to implement modifications and accommodations on a student's IEP.

The teacher should inform the student's special education teacher or case manager if the teacher believes that the modifications and accommodations are unnecessary or inappropriate. In that case, the special education teacher or case manager may need to schedule an IEP meeting to consider changing the modifications and accommodations on the IEP. Similarly, the teacher should inform the student's special education teacher or case manager if implementation of the modifications and accommodations in that class would somehow interfere with the student's ability to earn credit in that class. In that case, the special education teacher or case manager may
need to either schedule an IEP meeting or confer with the parents and school counselor about a scheduling change.

8. **What happens if the IEP team decides in Example (a), above, that the student's homework should not be counted as part of the student's grade, but the science teacher believes that completing science homework is a critical component of demonstrating course objectives?**

It is important to remember that the IEP team decides what modifications and accommodations are necessary for a student, but the IEP team does not decide the impact of those modifications and accommodations on credit and course completion. As stated above, all teachers must implement IEP modifications and accommodations. However, if the science teacher says doing the homework is necessary to demonstrating the course objectives, other options may need to be considered, such as:

a. Exploring whether a different science class is available that is based on class work rather than homework;

b. Deferring participation in the science class; or

c. Providing additional support for the student to assist them with homework organization and completion.

Or, the team may decide that if homework is reduced or eliminated in other classes, the student has the skills to manage the science homework.
PRIOR NOTICE OF
GRADUATION AND
TERMINATION OF SERVICES

Parents are entitled to reasonable prior notice of the District’s intent to terminate special education services when students graduate from high school with a regular diploma. A Prior Notice of Special Education Action (C-10) should be sent to parents in April to provide time for parents to dispute such a decision if they choose to do so. Furthermore, a decision to terminate service should be based on a review of IEP to determine if all IEP goals have been met or will be met at the time of termination of services. To allow the IEPs of students who will graduate to lapse without such a review violates the due process rights of students and their families.

The following procedures apply:

1. At the end of the student’s junior year or the beginning of the senior year, write a final Transition Plan (C-7TP) and IEP with goals that are projected to be met by the time of graduation.

2. Review the IEP and TP of each graduating student in April—by phone if necessary. Reach agreement (if appropriate) that the IEP goals will be met by the time of graduation and that special education services will be terminated. File the Meeting Notice form (C-2) and the Documentation of IEP Review (C-7 Review) with the data clerks. Indicate the date services will terminate on the Prior Notice of Special Education Action (C-10) and mail the parents (and student if 18 years old) a copy in April, but retain the white copy of the C-10 to file at the year’s end, completing the information in the box at the bottom of the form. This will allow the District to keep accurate records of which students graduated, and whether they received a standard or modified diploma. Remember that a Prior Written Notice of Special Education (C-10) is not the documentation of an action already taken by the District. It is prior notice to the parents that the District will take such action.

3. Prior notice is not needed for students receiving modified diplomas who are going to return for special education services. A new TP and IEP will reflect the change in service for a student who is returning to school for work experience only. Remember that, when writing goals for students returning for work experience only, they must receive specially designed instruction. Service time must reflect a minimum commitment by the work experience coordinator/vocational transition specialist to meet with that student on a regular basis to deliver the instruction.

4. Under the IDEA, the obligation to make free appropriate public education (FAPE) available does not apply to students with disabilities who have graduated from high school with a regular high school diploma. 34 CFR § 300.122(a).

5. Under the IDEA, District staff are not required to complete a reevaluation before terminating a student’s eligibility due to graduation with a regular high school diploma. 34 CFR § 300.534.
Portland Public School
Department of Special Education

Appendix A
Extended School Year (ESY)

General Information and Consideration

1. The purpose of ESY is maintenance of a student's previously learned skill on specific IEP objectives, not the teaching or the learning of new skills. Skills a student can re-learn or recoup given a reasonable number of instructional days once the school session resumes, do not meet criteria for ESY Services.

2. The IEP team considers the provision of ESY services when the issue is raised in regard to a specific student. This issue can be raised by a parent or by school personnel. When concerns are raised about a student's possible inability to re-learn previously learned skills in a reasonable time after break, The IEP team considers the possible need for ESY and decides if it is needed. Only those students who demonstrate potential need for ESY services should actually be evaluated.

3. Eligibility for ESY is made on an individual basis and is not based solely on the category and/or severity of a student's disability/disabilities. The type and amount of services is based on the individual student needs based on regression/recoupment data and predictive factors.

4. The IEP Case Manager collects data about the student's learning and re-learning ability then makes this information available to the IEP team to consider in the decision making process. The parent(s) may also contribute data or information for the IEP team to consider in the decision making process. The IEP Team decides if ESY is necessary. All procedural safeguards for IEP development and meetings apply.

5. Consideration is given to documented evidence of and/or predicted regression and recoupment of previously learned skills which resulted from an interruption in the instructional program as identified in the IEP. These may include all areas of need including those essential for minimal independence, academics, and areas necessary for community living and related services. ESY is considered for a variety of students with disabilities not just those who are severely or profoundly disabled. Other skill areas may include, but are not limited to muscular control, toileting, feeding, dressing, physical mobility, communication, and behavior. The consideration of ESY, and the ESY services that are provided to eligible students is documented on Form C-7, Part II and in the ESY addendum. The ESY addendum is always completed as part of the IEP process.

6. Consideration is given to predictive and other factors impacting a student's learning needs. These may include but are not limited to factors such as:
   • The probability of future regression and recoupment;
   • The degree of the student's impairment;
   • The parent's ability to provide educational structure in the home;
   • The student's rate of progress;
   • The student's behavioral and physical needs;
   • The availability of alternative resources;
   • The nature and severity of the student's disability along with other factors relevant to breaks in services.
   • The areas of a student's IEP that needs continuous instruction;
   • The student's vocational instruction needs;
   • Need for interaction with non-disabled peers;
   • Other factors relevant to breaks in instruction (medical issues)

7. ESY services may consist solely of related services, when it is determined that services are necessary for maintenance of a student's previously learned skill on specific IEP objectives.
Appendix A  
Extended School Year (ESY)  

Glossary of Terminology for Extended School Year

EXTENDED SCHOOL YEAR SERVICES: The provision of Special Education and/or related services during breaks in services for the purpose of maintaining skills which the student had previously acquired prior to scheduled breaks in instruction. ESY services are based on the student's IEP and, therefore, are "student specific," or individually tailored programs.

Extended School Year Services are not:
• Summer School (although ESY services may at times be provided in such a setting.)
• To provide extra educational services -- ones that would not otherwise be put on the IEP;
• To increase the student's skill level from what it was at the end of the school year;
• To teach new or different skills;
• To provide families summer activities for their children;
• To assist families with child care needs;
• Services provided because it would be "good" or "nice" for the student.

LIMITED RECOUPMENT CAPACITY: Previously learned skills are not likely to be relearned when a reasonable amount of instruction is provided for re-learning after breaks in instruction (e.g., Winter, Spring and Summer breaks). In making this determination, the IEP team considers data about the student's learning pattern, regression, and re-learning rates.

PREDICTIVE AND OTHER FACTORS: In making decisions regarding a student's eligibility for ESY services, the team considers a variety of factors regarding individual students. These may include but are not limited to factors such as:
• Probability of future significant regression;
• Degree of the student's impairment;
• Parents' ability to provide educational structure in the home;
• Student's behavioral and physical needs;
• Availability of alternative resources;
• Areas of a student's IEP that may require continuous instruction to maintain specific skills;
• Student's vocational instruction needs;
• Other factors relevant to breaks in instruction.

RELEARNING OR RECOUPMENT: Recovery of skills specified on the IEP to a level demonstrated prior to the interruption in instruction when given a reasonable number of instructional days for re-learning to occur.

SIGNIFICANT REGRESSION: Decrease in a student's skill level in one or more skills specified on the IEP which the student cannot relearn within a reasonable number of instructional days once school resumes after a break.
Appendix A

Extended School Year (ESY)

GUIDELINES FOR DETERMINING REGRESSION/RECOUPMENT

The decision of whether or not a student is eligible for ESY services is based on information from a variety of sources. Regression and recoupment are important factors that are used in the decision making process.

Follow procedures for data collection on District Timelines Calendar, Appendix A, ESY.

In determining a student's degree of regression and rate of recoupment, the IEP team considers the following:

1. Identify the goals on the IEP that the student demonstrates significant regression and limited recoupment on or which the team has reason to suspect this may be the case.

2. To determine regression and recoupment, the IEP team must ensure that the following information is available.
   - Information indicating the student's level of functioning on the skills under consideration taken immediately before the planned break in educational services;
   - Information regarding the student's level of functioning on the skills under consideration taken at the conclusion of a reasonable recoupment period after the break in educational services. (See #5 above.)

The team reviews data obtained immediately proceeding summer break and twenty to thirty instructional days following the resumption of school. If the student has not relearned the skills that he or she possessed at the end of the previous school year by the time thirty instructional days have passed at the beginning of the following school year, he or she should be considered for extended school year services. Likewise, if a student has not relearned the skills that he or she possessed just prior to any break of at least one week in duration, within the acceptable recoupment period, the IEP team should consider the possible need for extended school year services.

3. Sources of data for documenting regression and recoupment periods may include:
   - progress on goals and objectives on consecutive IEPs;
   - progress reports maintained by educators, specialists, and others having direct contact with the student before and after interruptions in the education program;
   - reports by parents of loss of skills listed on IEP over break periods;
   - medical and other agency reports indicating degenerative-type difficulties which become exacerbated during breaks in educational services;
   - observations by educators and others, and results of criterion referenced tests.

4. Techniques to collect data for documentation may include written documentation such as:
   - daily monitoring
   - behavior checklists
   - student self-assessments
   - parent assessments
   - professional assessments,
   - documented observations of the student

5. Reasonable recoupment periods for a:
   - six to eight week break is 20-30 instructional days;
   - three week break is 5-7 instructional days; and for a;
   - two week break, it is 3-5 instructional days;
   - one week break, it is 2-3 instructional days
## DISTRICT TIMELINE CALENDAR

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<thead>
<tr>
<th>September</th>
<th>October-November</th>
<th>December</th>
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<tbody>
<tr>
<td>Review student files to determine which students received ESY during summer break.</td>
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<tr>
<td>Check all IEPs for students with ESY to be considered.</td>
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<tr>
<td>If the student has received ESY in the past, review eligibility and complete all ESY paperwork at his/her annual IEP meeting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probe skills under consideration following 20-30 instructional days from beginning of the school year.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document on C-ESY Data form.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify those skills not recouped to previous level after instructional period.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probe skills under consideration prior to winter break.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document on C-ESY Data form.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Be prepared to determine ESY eligibility at upcoming IEP meetings.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collect skills under consideration after 3-5 instructional days (after 2-week break).</td>
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<tr>
<td>Document on C-ESY Data form.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For new students, initiate, if appropriate, an ESY meeting to decide ESY services, if data is sufficient to make a decision.</td>
<td></td>
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</tr>
<tr>
<td>Continue to have ESY or IEP meetings to determine eligibility and complete ESY forms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If further data is needed, probe skills under consideration, prior to spring break.</td>
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</table>

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<thead>
<tr>
<th>April-May</th>
<th>June</th>
<th>August</th>
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</thead>
<tbody>
<tr>
<td>Collect data after 2-3 days of instruction, following spring break.</td>
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<tr>
<td>Continue to have ESY or IEP meetings.</td>
<td></td>
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<tr>
<td>Ensure that the ESY Coordinator has all necessary forms by May 1st.</td>
<td></td>
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<tr>
<td>During the last 10 instructional days of the school year, probe skills of students who will receive ESY over the summer break</td>
<td></td>
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</tr>
<tr>
<td>Send data and necessary materials and equipment to ESY Coordinator.</td>
<td></td>
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<tr>
<td>Teachers will be sent the Summer Data for each of their ESY students who attended ESY during the summer.</td>
<td></td>
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</tr>
</tbody>
</table>
DISTRICT ESY CHECKLIST

1. _____ ESY Meeting Preparation

   - ESY eligibility may be determined at the yearly IEP meeting for students who have received previous ESY services and where there is no significant change.
   - Set IEP or ESY meeting date and send Notice of Team Meeting form to parents.
   - Complete C-ESY Data prior to the meeting.

2. _____ Convene IEP/ESY Team Meetings before May 1st to determine eligibility for ESY

   - Determine if student meets the following two Eligibility Criteria.
     1) Does student demonstrate significant regression on any IEP goals and objectives? Regression is defined as a significant loss of skills or behaviors; and
     2) Does student demonstrate limited ability to recoup skills in these areas within a reasonable period of time?
   - Complete C-ESY Pgs 1 and 2 of Addendum at the meeting.

3a. _____ Students Not Meeting ESY Eligibility Criteria

   - Parents receive Prior Written Notice of Special Education Action to notify them of the team’s decision.

3b. _____ Students Meeting ESY Eligibility Criteria – send the following forms to parents, and/or student records, and/or Lynn Taylor, the ESY Coordinator.

<table>
<thead>
<tr>
<th>Form</th>
<th>Give to parents</th>
<th>Send to Lynn Taylor, BESC by May 1st</th>
<th>Send to Student Records/Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior Written Notice of Special Education Action</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-ESY Pg. 1 of Addendum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-ESY Pg. 2 of Addendum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-ESY Data</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Parents Rights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESY Registration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESY Materials and Equipment</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>IEP Coversheet (Targeted goals and objectives highlighted)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation Request (TD-7) (if needed) (Include current address, phone number, summer pick-up location, summer drop-off location.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESY Contract Program Request (if needed)</td>
<td></td>
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</tbody>
</table>

4. _____ Develop a list of student names whom you anticipate will be eligible for ESY. Send the list to Lynn Taylor by October 15th. A request for ESY may be initiated by the district or a parent. This information is helpful in projecting ESY staffing needs.
Develop a list of names of students whom you anticipate will be eligible for ESY. Send to Lynn Taylor by October 15th. ESY request may be initiated by school or parents.

IEP team shall convene between October 1st and May 1st to share ESY Data and collect all information necessary to determine the student’s eligibility. (Use C-ESY Data Worksheet or comparable form to document ESY determination.)

The IEP team shall determine:
1) Does student demonstrate significant regression on goals and objectives? (regression is defined as a significant loss of skills or behavior) And
2) Does student demonstrate inability to recoup skills in these areas within a reasonable time?

For Student Records (DATA)
- Parents given written notice of the decision and the basis of decision.
- Prior Written Notice form.
- Parents Rights Brochure.

For ESY Packet
- Notice of Team Meeting
- C-ESY Pages 1&2
- C-ESY Data
- Prior Written Notice of Special Education Action.

- IEP cover sheet with service times highlighted
- Transportation Request Form. TD-7
- C-ESY Addendum Pages 1&2
- C-ESY Data
- ESY Registration Form
- ESY Materials and Equipment Form
- IEP with targeted goals and objectives highlighted.
- If appropriate, ESY Contract Program Request Form

ALL ESY FORMS DUE TO LYNN TAYLOR, ESY COORDINATOR, By May 1st at BESC-Special Education
## EXTENDED SCHOOL YEAR DATA

### C-ESY Data

<table>
<thead>
<tr>
<th>STUDENT NAME</th>
<th>BD</th>
<th>PPS ID #</th>
<th>ATTENDING SCHOOL</th>
<th>HOME SCHOOL</th>
<th>GRADE</th>
</tr>
</thead>
</table>

Specific data is required whenever ESY is under consideration. Obtain and report data for each annual goal for which severe regression and severe recoupment is suspected. Data may be attached to this form if it is collected in another format with copies for distribution.

### Annual Goal and Objective:

<table>
<thead>
<tr>
<th>Break</th>
<th>Performance Just Prior to Break</th>
<th>Performance After Instruction/Recoupment Period</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUMMER</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>WINTER</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>SPRING</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
</tbody>
</table>

### Annual Goal and Objective:

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<th>Performance Just Prior to Break</th>
<th>Performance After Instruction/Recoupment Period</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
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<td>SUMMER</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>WINTER</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>SPRING</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
</tbody>
</table>

### Annual Goal and Objective:

<table>
<thead>
<tr>
<th>Break</th>
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<tbody>
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<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>WINTER</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
<tr>
<td>SPRING</td>
<td>Date</td>
<td>Date</td>
<td>□ Maintained □ Did Not Maintain</td>
</tr>
</tbody>
</table>

### Comments:

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Sp.Ed. C-ESY DATA (Rev 6/00) Distribution: (1) **White**: Special Education File  (2) **Yellow**: Parent or Adult Student  (3) **Pink**: School Permanent File  (4) **Goldenrod**: Other

---

6.54 Revised: September 2003
STUDENT NAME_________________________________ BD________________ PPS ID#____________________

ATTENDING SCHOOL_____________________________ HOME SCHOOL________________ GRADE__________

ADDRESS_______________________________________ ZIP______________ PHONE____________________

The purpose of this form is to document information regarding Extended School Year (ESY). Refer to Guidelines for Determining Regression/Recoupment (page 3 of ESY Packet) to complete this form.

Section 1
Complete the following:
Required Information Must Be Substantiated by Written Data

<table>
<thead>
<tr>
<th>IEP Goals/Objective Areas</th>
<th>A. Does the student have IEP goals and objectives in this area?</th>
<th>B. Does the student demonstrate severe or substantial regression in this area?</th>
<th>C. Does the student demonstrate a limited capacity to recoup skills in this area within a reasonable time?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor and Mobility (e.g. fine and gross motor, physical education)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
<tr>
<td>Self Management, Independent Living (e.g. personal self care, home management, safety, leisure time, community services)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td></td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
<tr>
<td>Communication (e.g. speech &amp; language)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
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<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
<tr>
<td>Social &amp; Behavior (e.g. interactions, impulse control, study skills, problem solving)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
<tr>
<td>Academics (e.g. language arts, mathematics)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
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<td>Yes</td>
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<td></td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
<tr>
<td>Vocational &amp; Career Education</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td></td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
<td>Documented information follows:</td>
</tr>
</tbody>
</table>

Distribution: (1) Special Education File; (2) Parent or Adult Student; (3) School Permanent File; (4) ESY Coordinator
PPS Department of Special Education
Individualized Education Program

Portland Public Schools
Department of Special Education

Individualized Education Program
Extended School Year Addendum
(C-ESY- page 2 of Addendum)

Date__________________________
Month/Day/Year

STUDENT NAME_________________________________________ BD________________ PPS ID#________________________

ATTENDING SCHOOL__________________ HOME SCHOOL________________ GRADE________________

Section 2  Check one of the following:

☐ The student does not require Extended School Year based on the criteria stated on C - ESY – pg. 1 of Addendum.

☐ The student requires ESY services in the areas checked below:*

Motor/Mobility  Social/Behavior  Self Management, Independent Living
Academics  Communication  Vocational/Career Education

Section 3  ESY Service Description
(Complete only if student requires ESY service.)

Describe the Extended School Year Service(s):
1. Describe the special education services to be provided for each area checked above and the amount of time for related services.
2. Attach a copy of the IEP covensheet and a highlighted copy of the specific goal/objective(s) on which the student demonstrated severe regression and severe recoupment.
3. If appropriate, attach the ESY Materials and Equipment form.

Each Specially Designed Instruction:________________________

______________________________________________________

Each Related Service:________________________

Amount of Time for Related Service:________________________

2. Total amount of Service(s):________________________

   Hours per day ____________________________

   Number of days per week__________________

3. Duration of Service(s):________________________

   [1 – 8 weeks, or less] __________________________

   Date Services Begin________________________

4. Location:  ☐ Classroom  ☐ Other________________________

5. Transportation Arrangements (if needed – Attach a TD-7):________________________

Section 4. IEP ESY Team Participants
(Fill in the following section, if ESY participants are different than the IEP participants, as indicated in the IEP section entitled “IEP Meeting Participants”. Write “Same” if the ESY participants are the same as the IEP participants.)

Parent/Guardian/Surrogate________________________

District Representative________________________

General Education Teacher________________________

Special Educator________________________

Student________________________

Other/Title________________________

Other/Title________________________

Other/Title________________________

Other/Title________________________

* Attach ESY Registration form and applicable portions of the IEP for which ESY services are based upon.

** You MUST attach ESY Contract Program Request form

Distribution: (1) Special Education File; (2) Parent or Adult Student; (3) School Permanent File; (4) ESY Coordinator

6.56 Revised: September 2003
Portland Public Schools
Special Education
ESY REGISTRATION

**Student Name:** ____________________________
**Birthdate:** __________________ **Age:** __________
**PPS ID#:** ____________________________

**Parent/Guardian Name:** ____________________________
**Address:** ____________________________
**Phone:** ____________________________

**Emergency Contact Name #1:** ____________________________
**Phone:** ____________________________
**Emergency Contact Name #2:** ____________________________
**Phone:** ____________________________

**Childcare Provider (if applicable)**
**Name:** ____________________________
**Phone:** ____________________________
**Address:** ____________________________

**Summary of Behavioral Considerations:**
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Additional information: (please attach if marked "yes")

**YES**  **NO**

Fedding Protocol
Seizure Protocol
Specialized Equipment
Communication Systems
Other

**TO BE FILLED OUT BY ESY STAFF:**

**Classroom Assignment:** ____________________________
**Teacher:** ____________________________
**Related Service Providers:** ____________________________
**Days of Service:** ____________________________
**Hours of Service:** ____________________________
**Determined by:** ____________________________
ESY CONTRACT PROGRAM REQUEST

DATE _______________________

STUDENT ___________________________ ID ________________

Current School Site ____________________________________________

Current Program Placement ________________ Eligibility _____________

Does this student have additional adult support? yes _____ no _____

If yes, check all areas that apply: academics ____ social/emotional ____ medical ____

District Rep. or Case Manager ______________________________________

Requested Contract Provider (Vendor) ________________________________

Address of Provider ______________________________________________

Amount of services requested (time, days of week, duration, etc.):
________________________________________________________________
________________________________________________________________
________________________________________________________________

Rationale  (Complete this section only if the vendor has not been pre-approved.)
________________________________________________________________
________________________________________________________________
________________________________________________________________

Return to the ESY Coordinator if the vendor is pre-approved by ESY.
Return to Maxine if the vendor is not on the pre-approved list.
**ESY MATERIALS AND EQUIPMENT**

| Student: ________________________________ |
| Teacher: ________________________________ |
| School: ________________________________ |
| ESY Site: ________________________________ |

**GOAL AREAS**

<table>
<thead>
<tr>
<th>MOTOR &amp; MOBILITY</th>
<th>SOCIAL &amp; BEHAVIOR</th>
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<tbody>
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<thead>
<tr>
<th>SELF MANAGEMENT</th>
<th>ACADEMICS</th>
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<thead>
<tr>
<th>COMMUNICATION</th>
<th>VOCATIONAL &amp; CAREER ED</th>
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All equipment and materials must be labeled with student's name.
April 8, 2002

To: School Special Education Teams
From: Hugh Ellis, Assistant Director of Special Education
Re: Use of tape recorders during IEP meetings

There are times when parents want to use a cassette tape recorder to create a record of IEP meetings at your school. We need to follow a consistent policy about this use of tape recorders, so that teachers, parents and other team members know what to expect and what is expected of them.

We have chosen to allow parents to make tape recordings when they choose to do so. As you know, federal law recognizes the right of parents to participate in such meetings as partners with school personnel. As parents they are also responsible for understanding the process and what has occurred in each meeting. Because the content of an IEP discussion can be complex, parents may feel that a tape recording helps them understand what has occurred.

We ask that parents inform us before the meeting that they will be using a tape recorder, so that we are able to record the meeting as well. This reduces the possibility of disagreement over what was said during a meeting by any of the participants. You may have tape recorders at your school that can be used for this purpose. Tape recorders will also be available for checkout from each special education area office.

Please make sure that you have blank cassettes, batteries, and a working microphone if one is not built into the device. Label and date completed recordings and store them as part of the student records. These are student records and must be kept confidential. Although in most cases there is no reason to review such recordings, there are times when such records can be extremely important in resolving issues. For that reason always consult with your special education area supervisor about preserving such records, or about a timeline for destroying them.

Additional note: We do not allow videotaping of IEP meetings, and parents rarely request this. Our position is that use of a video camera is invasive and distracting, and would undermine the purpose of an IEP meeting.
INDIVIDUALIZED EDUCATION PROGRAM
Section 6

Portland Public Schools
Special Education
RESOURCES
[This page intentionally left blank.]
Regular Education Teacher on IEP Team Is Required by IDEA ’97.
The final Part B regulations incorporate the requirements of IDEA ’97 regarding regular education teachers in the IEP process, including specifying that --

1. The IEP team for each child with a disability must include at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) (see §300.344(a)(2)); and

2. The teacher must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including –
   a. the determination of appropriate positive behavioral interventions and strategies for the child, and
   b. the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child consistent with the IEP content requirements in §300.347(a)(3). (See §300.346(e))

Other School Staff May Not Be Substituted for the Reg. Ed. Teacher.
Some commenters on the NPRM suggested that other school staff (e.g. a special education teacher or a counselor) be substituted for the regular education teacher at IEP meetings. Adopting that suggestion would be inconsistent with the Act, and would undermine the new focus of IDEA ’97 -- on improving results for children with disabilities through participation in the regular education environment and in the general curriculum. Thus, the regular education teacher who serves on the IEP team should be the teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child. (See Q-26 in Appendix A -- the Notice of Interpretation on IEPs.)

Extent To Which Reg. Ed. Teacher Must Be Physically Present at IEP Meeting.
While at least one regular education teacher of a child with a disability must be a member of the IEP team (if the child is, or may be, participating in the regular education environment), the LEA need not require the teacher to -- (1) participate in all decisions made as part of the meeting, or (2) be present at all meetings or throughout an entire meeting, as described below:

A. THE TEACHER WOULD PARTICIPATE IN DISCUSSIONS ABOUT the child's involvement and progress in the general curriculum and participation in the regular education environment (as well as discussions about the supplementary aids and supports for teachers and other school staff that are necessary to ensure the child's progress in that environment).

B. THE TEACHER NEED NOT PARTICIPATE IN DISCUSSIONS about certain other matters in the IEP meeting (e.g., the physical therapy needs of the child -- if the teacher is not responsible for implementing that portion of the child's IEP).

C. WHETHER THE TEACHER MUST BE PHYSICALLY PRESENT AT EACH MEETING, and the extent to which the teacher must participate in all phases of the IEP process are matters that must -- (1) be determined on a case by case basis by the public agency, the parents, and the other members of the IEP team, and (2) be based on a variety of factors. (See analysis of comments on §300.344(a)(2) in Attachment 1, and Q-24 of Appendix A.)
The substance of the note following §300.344 in the NPRM (related to the participation of regular education teachers on the IEP team) has been incorporated into the Notice of Interpretation on IEPs (Appendix A) and in the "Analysis of Comments..." (Attachment 1 to the final regulations), as follows:

A. **ONLY ONE TEACHER REQUIRED ON IEP TEAM; BUT OTHERS MAY ATTEND.**
   If a child with a disability has more than one regular education teacher, only one of the teachers is required to be on the IEP team. However, if the participation of more than one of the teachers would be beneficial to the child's success in school (e.g., in terms of enhancing the child's participation in the general curriculum), it may be appropriate under the Act and regulations for them to be members of the team and participate.

B. **LEA MAY DESIGNATE WHICH TEACHER ON IEP TEAM.**
   If a child has more than one regular education teacher, the LEA may designate which teacher or teachers will be on the IEP team.

C. **INPUT FROM CHILD'S OTHER TEACHERS.**
   In a situation in which all of the child's regular education teachers are not members of the IEP team, the LEA is strongly encouraged to seek input from the teachers who will not be attending. (See Q-26 of Appendix A.)

**Child's Teachers Must Have Access to IEP and Be Informed of their Responsibilities.**
A new §300.342(b)(2) (entitled "Implementation of IEPs") has been added to the regulations to specify that each public agency must ensure that --

1. **THE IEP OF EACH CHILD WITH A DISABILITY IS ACCESSIBLE** to each regular education teacher (as well as each special education teacher, related service provider, and other service provider) who is responsible for implementing the IEP; and

2. **EACH TEACHER AND PROVIDER IS INFORMED OF** -- (A) his or her specific responsibilities related to implementing the IEP, and (B) the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP.

**Mechanism for Informing Staff at Discretion of Agency.**
The above requirement is necessary to ensure proper implementation of the child's IEP and the provision of FAPE to the child. However, the mechanism that the public agency uses to inform each teacher or provider of his or her responsibilities is left to the discretion of the agency.

* On October 22, 1997, a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register to amend the regulations under Part B of the Individuals with Disabilities Education Act (IDEA). The purposes of the NPRM were to implement changes made by the IDEA Amendments of 1997, and make other changes that facilitate the implementation of Part B. The changes made since the NPRM are based mainly on public comments received.
IEP TEAM COMMUNICATION

I. Existing Areas of Concern

A. Trust
B. Communication
C. Expectations
D. Job Roles
E. Scheduling
F. Building Needs
G. Goal Consensus
H. Case Manager Assignment (IEP Manager)

II. Recommendations

A. Each team member should have a copy of each other's daily schedules. This will increase awareness and familiarity of each other's job responsibilities as well as assisting in creating an appearance of team unity when speaking with general education teachers about children.

B. Team members should be consciously aware that they are part of a team or unified group of people who join together in a cooperative problem-solving process to reach a shared goal.

• Participation and leadership are distributed among all members.
• Conflict is identified and resolved.
• Consensus is sought on important decisions.
• Goals are cooperatively formed to meet individual and group needs.

C. Be aware of the following factors that influence communications:

• Physical positioning of tables and persons at Team meetings.
• Eye contact.
• Body language.
• Voice and communication style.
• Method of communication: frequency, written versus verbal.
• Objectivity in giving and receiving information (listening skills).
RECOMMENDATIONS FOR EFFECTIVE TEAM DECISION MAKING

1. Write a brief summary of test results to be given to team members before meeting so time can be spent in decision making; not reporting the results.

2. Determine if diagnostic teaching has been done in regular classroom before referral.

3. Work diligently to maintain focus on relevant criteria.

4. Submit an agenda of the meeting to the members prior to the meeting.

5. Write and maintain a task timeline.

6. Analyze the group of tasks and maintenance roles.

7. Change from WHO to HOW emphasis.

8. Change from a "Referral to Placement" to a "Referral to Intervention" approach.

9. Encourage active participation of all members.

10. Define team leader and support roles based on student referral data.
IEP TEAM PARTICIPANTS: QUESTIONS AND ANSWERS (Nos. 22-30)
From Appendix A, 34 CFR Part 300 of the IDEA Regulations

22. Who can serve as the serve as the representative of the public agency at an IEP meeting?

The IEP team must include a representative of the public agency who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the public agency. 34 CFR § 300.344(a)(4).

Each public agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting, so long as the individual meets these requirements. It is important, however, that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative, so long as that individual meets the requirements of 34 CFR § 300.344(a)(4).

23. For a child with a disability being considered for initial provision of special education and related services, which teacher or teachers should attend the IEP meeting?

A child's IEP team must include at least one of the child's regular education teachers (if the child is, or may be participating in the regular education environment) and at least one of the child's special education teachers, or, if appropriate, at least one of the child's special education providers 34 CFR § 300.344(a)(2) and (3).

Each IEP must include a statement of the present levels of educational performance, including a statement of how the child's disability affects the child's involvement and progress in the general curriculum. 34 CFR § 300.347(a)(1). At least one regular education teacher is a required member of the IEP team of a child who is, or may be, participating in the regular educational environment, regardless of the extent of that participation.

The requirements of 34 CFR § 300.344(a)(3) can be met by either: (1) a special education teacher of the child; or (2) another special education provider of the child, such as the speech pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under applicable State standards.

Sometimes more than one meeting is necessary in order to finalize a child's IEP. In this process, if the special education teacher or special education provider who will be working with the child is identified, it would be useful to have that teacher or provider participate in the meeting with the parents and other members of the IEP team in finalizing the IEP. If this is not possible, the public agency must ensure that the teacher or provider has access to the child's IEP as soon as possible after it is finalized and before beginning to work with the child.

Further, (consistent with 34 CFR § 300.342(b)), the public agency must ensure that each regular education teacher, special education teacher, related services provider and other service provider of an eligible child under this part (1) has access to the child's IEP, and (2) is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications, and supports that must
be provided to the child in accordance with the IEP. This requirement is crucial to ensuring that each child receives a FAPE in accordance with his or her IEP, and that the IEP is appropriately and effectively implemented.

24. What is the role of a regular education teacher in the development, review and revision of the IEP for a child who is, or may be, participating in the regular education environment?

As required by 34 CFR § 300.344(a)(2), the IEP team for a child with a disability must include at least one other regular education teacher of the child if the child is, or may be, participating in the regular education environment. Section 300.346(d) further specifies that the regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child’s IEP, including assisting in (1) the determination of appropriate positive behavioral interventions and strategies for the child; and (2) the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child, consistent with 34 CFR § 300.347(a)(3). 34 CFR § 300.344(d).

Thus, while a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child’s needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decision about how to modify the general curriculum in the regular classroom to ensure the child’s involvement and progress in the general curriculum and participation in the regular education environment.

Depending on the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the child, if the teacher is not responsible for implementing that portion of the child’s IEP.

In determining the extent of the regular education teacher’s participation at IEP meetings, public agencies and parents should discuss and try to reach agreement on whether the child’s regular education teacher who is a member of the IEP team should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis.

25. If a child with a disability attends several regular classes, must all of the child’s regular education teachers be members of the child’s IEP team?

No. The IEP team need not include more than one regular education teacher of the child. If the participation of more than one regular education teacher would be beneficial to the child’s success in school (e.g., in terms of enhancing the child’s participation in the general curriculum), it would be appropriate for them to attend the meeting.

26. How should a public agency determine which regular education teacher and special education teacher will be members of the IEP team for a particular child with a disability?

The regular education teacher who serves as a member of a child’s IEP team should be a teacher who is, or may be responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child.
If the child has more than one regular education teacher responsible for carrying out a portion of the IEP, the LEA may designate which teacher or teachers will serve as IEP team member(s), taking into account the best interest of the child.

In a situation in which not all of the child’s regular education teachers are members of the child’s IEP team, the LEA is strongly encouraged to seek input from the teachers who will not be attending. In addition, (consistent with 34 CFR § 300.342(b)), the LEA must ensure that each regular education teacher (as well as each special education teacher, related services provider, and other service provider) of an eligible child under this part (1) has access to the child’s IEP, and (2) is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications and supports that must be provided to the child in accordance with the IEP.

In the case of a child whose behavior impedes the learning of the child or others, the LEA is encouraged to have a regular education teacher or other person knowledgeable about positive behavior strategies at the IEP meeting. This is especially important if the regular education teacher is expected to carry out portions of the IEP.

Similarly, the special education teacher or provider of the child who is a member of the child’s IEP team should be the person who is, or will be, responsible for implementing the IEP. If, for example, the child’s disability is a speech impairment, the special education teacher on the IEP team could be the speech-language pathologist.

27. For a child whose primary disability is a speech impairment, may a public agency meet its responsibility under 34 CFR § 300.344(a)(3) to ensure that the IEP team includes “at least one special education teacher, or, if appropriate, at least one special education provider of the child” by including a speech-language pathologist on the IEP team?

Yes, if the speech is considered special education under State standards. As with other children with disabilities, the IEP team must also include at least one of the child’s regular education teachers if the child is, or may be, participating in the regular education environment.

28. Do parents and public agencies have the option of inviting any individual of their choice to be participants on their child’s IEP team?

The IEP team may, at the discretion of the parent or the agency, include “other individuals who have knowledge or special expertise regarding the child…” 34 CFR § 300.344(a)(6). Under 34 CFR § 300.344(a)(6), these individuals are members of the IEP team. This is a change from a prior law, which provided, without qualification, that parents or agencies could have other individuals as members of the IEP team at the discretion of the parents or agency.

Under 34 CFR § 300.344(c), the determination as to whether an individual has knowledge or special expertise, within the meaning of 34 CFR § 300.344(a)(6), shall be made by the parent or public agency who has invited the individual to be a member of the IEP team.

Part B does not provide for including individuals such as representatives of teacher organizations as part of an IEP team, unless they are included because of knowledge or special expertise regarding the child. (Because a representative of a teacher organization would generally be concerned with the interest of the teacher rather than the interest of the child, and generally would not possess knowledge or expertise
regarding the child, it generally would be inappropriate for such an official to be a member of the IEP team or to otherwise participate in an IEP meeting.)

29. **Can parents or public agencies bring their attorneys to IEP meetings, and, if so under what circumstances? Are attorney’s fees available for parents’ attorneys if the parents are prevailing parties in actions or proceedings brought under Part B?**

Section 300.344(a)(6) authorizes the addition to the IEP team of other individuals at the discretion of the parent or the public agency only if those other individuals have knowledge or special expertise regarding the child. The determination of whether an attorney possesses knowledge or special expertise regarding the child would have to be made on a case-by-case basis by the parent or public agency inviting the attorney to be a member of the team.

The presence of the agency’s attorney could contribute a potentially adversarial atmosphere to the meeting. The same is true with regard to the presence of an attorney accompanying the parents at the IEP meeting. Even if the attorney possessed knowledge or special expertise regarding the child. 34 CFR § 300.344(a)(6), an attorney’s presence would have the potential for creating an adversarial atmosphere that would not necessarily be in the best interest of the child.

Therefore, the attendance of attorneys at IEP meetings should be strongly discouraged. Further, as specified in Section (i)(3)(D)(ii) of the Act and 34 CFR § 300.513(c)(2)(ii), Attorneys’ fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation conducted prior to the request for a due process hearing.

30. **Must related services personnel attend IEP meetings?**

Although Part B does not expressly require that the IEP team include related services personnel as part of the IEP team 34 CFR § 300.344(a), it is appropriate for those persons to be included if a particular related service is to be discussed as part of the IEP meeting. Section 300.344(a)(6) provides that the IEP team also includes “at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate….”

Further, 34 CFR § 300.344(a)(3) requires that the IEP team for each child with a disability include “at least one special education teacher, or, if appropriate, at least one special education provider of the child…” This requirement can be met by the participation of either (1) a special education teacher of the child, or (2) another special education provider such as a speech-language pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under the applicable State standard.

If a child with a disability has an identified need for related services, it would be appropriate for the related services personnel to attend the meeting or otherwise be involved in developing the IEP. As explained in the Committee Reports on the IDEA Amendments of 1997, “Related services personnel should be included on the team when a particular related service will be discussed at the request of the child’s parents or the school.” (H. Rep. No. 105-95, p. 103 (1997); S. Rep. No. 105-17, p. 23 (1997)). For example, if the child’s evaluation indicates the need for a specific related service (e.g., physical therapy, occupational therapy, special transportation services, school social work services, school health services, or counseling), the agency should ensure that a qualified provider of that service either (1) attends the IEP meeting, or (2)
provides a written recommendation concerning the nature, frequency, and amount of service to be provided to the child. This written recommendation could be a part of the evaluation report.

A public agency must ensure that all individuals who are necessary to develop an IEP that will meet the child’s unique needs, and ensure the provision of FAPE to the child, participate in the child’s IEP meeting.
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