

Student Services Directive Regarding Special Education

The Oregon Department of Education (ODE) requires the District to ensure that District administrators and staff members review, implement, and continuously maintain the following special education requirements across the District. Your action is needed to help the District continuously improve its education of students with disabilities and to support the District's compliance with the Individuals with Disabilities Education Act (IDEA). The District will submit to ODE a list of all staff members who received this Directive. As you have additional questions about implementing these requirements or need further information, please e-mail Michelle Murer at mmurer@rsd7.net.

Summary: IEP Development, Review, and Revision and Providing a Free Appropriate Public Education

Under the federal Individuals with Disabilities Education Act (IDEA) school districts must develop and implement an IEP for each eligible student designed to ensure that the child receives a Free Appropriate Public Education (FAPE).

A school district meets its obligation to provide FAPE by complying with the procedural requirements of the IDEA and providing the student with an IEP that is "reasonably calculated to enable [the student] to receive educational benefit."¹

An IEP must be in effect for each eligible child at the beginning of each school year. A student's IEP must include a statement of the specific special education and related services and supplementary aids and services that are required to help the student: (a) advance appropriately toward attaining the annual goals, (b) be involved and make progress in the general curriculum, (c) participate in the extracurricular and other nonacademic activities, and (d) be educated and participate with other children with disabilities and non-disabled children.²

In addition, school districts must identify appropriate special education and related services on each student's IEP and ensure these are implemented as written. This requirement also applies to any specialized behavior intervention plans (BIP) or other specialized behavioral supports for the student.

Furthermore, school districts must: (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 (b) inform each teacher and provider 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. (Again, this includes the contents of any Behavioral Intervention Plan or behavioral supports for the student.) The requirement to inform applies to all teachers and service providers, including substitute teachers.

The responsibility to provide IEP access also applies to changes that may be made between a student's annual IEP meetings.

¹ Board of Educ. V. Rowley, 458 U.S. 176, 192 S.Ct. 3034 (1982)

² OAR 581-015-2220

To provide access means that staff members are given access to read, review, and consult the documents as necessary. Access to the IEP includes access to all revisions of any IEP for any students that staff currently teach or for whom they have responsibility. However, it does not mean that the District must provide a paper copy to each teacher or provider. Staff members are expected to know and implement the IEP as written.

Districts are advised to develop a written process and designated responsibility at each site for ensuring that all appropriate staff members are informed while maintaining the confidentiality of personally identifiable information. The process should include how substitutes for teachers and providers will be made aware of their responsibilities in a timely manner. Whether an IEP document is kept in a specific location for review or copied and distributed, the District and each recipient must maintain its confidentiality.

Individual staff members working with students most often have valuable insights about a student's rate of learning, progress, and the effectiveness of accommodations and modifications. Even so, because IEPs must be implemented as written, individual educators may not decide on their own to end an accommodation, modification, or some other part of the IEP. Instead, bring any concerns and data indicating a need for a change to the attention of the Special Education Director or designated supervisor to be considered by the IEP team.

As part of the reading related to IEP development, please read now the August, 2016 U.S. Department of Education Letter to Colleagues regarding Positive Behavior Intervention Supports in Individual Education Plans attached to the e-mail. The letter can also be found at this link:

<http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>

Summary: Prior Written Notice (PWN)

Districts are required by IDEA and OAR to ensure that parents are notified of district decisions about a student's special education services before the district implements the decision. This notice, provided prior to the time a district implements a decision, is called prior written notice. Prior written notice is to be individualized for the student and the purpose. The content categories of a prior written notice are always the same, but the details within that notice must be student specific.

Even if a parent has just participated in an IEP meeting, an evaluation planning meeting, a manifestation determination meeting, or placement discussion, the District is obligated to provide a prior written notice that describes the decisions BEFORE the decision takes effect. Putting the decisions in writing is useful for both the parent and the district (and not just for compliance purposes.) PWN maintains a written record of decisions and responses that serves to remind everyone of what was decided and why, what information was used, and why other alternatives were not pursued. PWN is also an important, and legally required part, of parent participation. A parent who is unsure of what is being provided may miss an opportunity to support the decision or to request changes.

An explanation of Prior Written Notice is included in the U.S. Department of Education's model Prior Written Notice Form at the link below. *Please review the form and the explanations below.*

Model Form: Prior Written Notice: [Word \(296K\)](#) | [PDF \(356K\)](#)