Three Rivers School District

Code: IGBAF-AR
Adopted: 3/17/08
Revised/Readopted: 3/09/22; 12/14/22; 5/14/25
Orig. Code: IGBAF-AR

Special Education - Individualized Education Program (IEP)**

1. General IEP Information

   a. The district ensures that an IEP is in effect for each eligible student:

      (1) Before special education and related services are provided to a student;
      (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
      (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.

   b. The district uses:

      (1) The Oregon standard IEP; or
      (2) An IEP form that has been approved by the Oregon Department of Education.

   c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
   d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s). This includes all district employees assigned to work with a student with specialized needs to assist with the educational, behavioral, medical, health or disability-related support needs of the student.
   e. The district takes steps to ensure that parents are present at each IEP meeting or have the opportunity to participate through other means.
   f. The district ensures that each teacher and service provider is informed of:

      (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
      (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

   g. The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
   h. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

   a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
   b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
   c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new

information from the parents, the student's anticipated needs, or the need to address other matters.

d. Between annual IEP meetings, the district and the parent may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.

e. When the parent requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.

f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

g. The district provides prior written notice to the parent of a student, or student within a reasonable period of time, before the district:

    (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student or provision of a Free Appropriate Public Education (FAPE) to the child; or
    (2) Refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provisions of a FAPE to the child.

h. In general, the recording of an IEP meeting by a parent will not be permitted. A parent may request, in writing, permission to use an audio recording device at an IEP meeting. The district will grant permission under the following conditions:

    (1) The parent has a disability under the Americans with Disabilities Act, such as a cognitive delay, hearing impairment, or processing disorder.
    (2) The parent requires an accommodation as a result of his/her disability in order to meaningfully participate in the IEP meeting; and
    (3) There is no accommodation other than recording that would allow the parent to meaningfully participate in the IEP meeting.

i. The district has the right to consider and determine whether other accommodations, including a note-taker, would adequately accommodate the parent's disability.

    (1) If permission is granted, the district will conduct the recording and will provide the parent with a copy of the recording in a timely manner.
    (2) If permission is denied, the parent may elect to have a note-taker present. The parent will arrange for and cover any costs related to the presence of a note-taker.

3. IEP Team Members

a. The district's IEP team members include the following:

    (1) One or both of the student's parents;
    (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
    (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
    (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
    (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 district resources. The 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;

(6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and

(7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.

b. Student participation:

(1) Whenever appropriate, the student with a disability is a member of the team.

(2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.

(3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

(1) With parent or adult student written consent, and where appropriate, the district invites 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

(2) If the district refers or places a student in an education service district, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

d. Participation by other employees:

District employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support needs of the student will be consulted with when the IEP for the student is being developed, reviewed or revised.

4. Agreement for Nonattendance and Excusal

a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.

b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:

(1) The parent and the district consent in writing to the excusal;

(2) The team member submits written input to the parents and other members of the IEP team before the meeting; and

(3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.

b. The district ensures that IEPs for each eligible student includes:

(1) A statement of the student's present levels of academic achievement and functional performance that:

(a) Includes a description of how the disability affects the progress and involvement in the general education 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 parents;
(d) Is clearly linked to each annual goal statement;
(e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

(2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:

(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.
(b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
(c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.

(3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:

(a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
(b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.

(4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
(5) A statement of any individual modifications and accommodations in the administration of state or district wide assessments of student achievement.

(a) A student will not be exempt from participation in state or district wide assessment because of a disability unless the parent requests an exemption;
(b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.

(6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a reserved copy of the IEP with the changes incorporated.

7. 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;
(2) The results of the initial or most recent evaluation of the student;
(3) As appropriate, the results of the student's performance on any general state or district-wide assessments;
(4) The academic, developmental, and functional needs of the child.

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 their 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 skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), 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 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.
(5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
(6) A statement of any device or service needed for the student to receive a Free Appropriate Public Education.

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

(1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parents(s)), and updated annually thereafter, the IEP must include:

(a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
(b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule 441-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

(2) 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
(3) If identified transition service providers, other than the district, 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.

e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

8. Incarcerated Youth

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 districtwide 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 an 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 other compelling interest that cannot be otherwise accommodated.

9. 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 to provide a free appropriate public education (FAPE) and
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. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
e. The district's criteria for determining the need for extended school year services include:

(1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
(2) If no documented evidence, on predictions according to the professional judgment of the team.

f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

10. Assistive Technology

a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

11. Transfer Students

a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

(1) Adopts the student's IEP from the previous district; or
(2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the district:

(1) Conducts an initial evaluation (if determined necessary by the new district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.

(2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
(3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

12. Abbreviated School Day

"Abbreviated school day" means any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student's resident school district.

"Abbreviated school day program" means an education program:

a. In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student's resident school district; and
b. That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

Abbreviated school day programs are only allowed when all requirements in state law are met. Informed and written consent from the parent or foster parent is necessary prior to implementing an abbreviated school day program. A parent or a foster parent may, at any time, revoke consent for the placement of a student on an abbreviated school day program. Revoking consent or objecting to an abbreviated school day program shall be in writing.
Abbreviated school day programs limitations do not apply to students who are exempt per ORS 343.331.