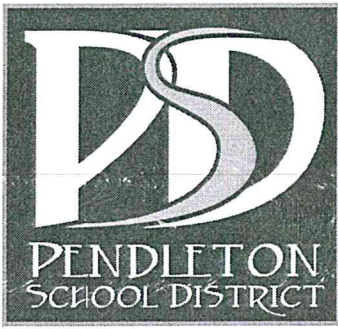




"Every Student, Every Day"

Memorandum

Date: November 19, 2018

To: Board of Directors of the Pendleton School District 16R

From: Julie Smith, Director of Special Programs

Subject: Policy IGBA Students with Disabilities-Child Find Procedures. First Reading.

Background: The U.S. Supreme Court ruling on *Endrews v. Douglas County School District* changed legal interpretations of the IDEA requirement for "Educational Benefit" and Free and Appropriate Public Education (FAPE) for students with disabilities. Oregon Legislators revised Senate Bill 20 to ensure students who receive a modified diploma have the right to return and receive general and special education services through the age of 21.

Proposal: The Revised Policy aligns language around advancing from grade to grade, removes modified diploma as ending FAPE requirements for school districts and adds "high school" reference to diploma. Additionally, this policy clarifies language around required age for enrollment.

Recommendation: Policy first reading. No recommendation at this time.

Motion: Policy first reading. No motion at this time.

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education (EI/ECSE)-or special education services. For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency InterMountain ESD is responsible for determining the eligibility of children for EI/ECSE services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though ~~they have not failed, been retained in a course or a grade, and~~ are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular)-~~school~~ located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; or and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five ~~by~~ on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular high school diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified; located and evaluated are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children

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with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

ORS 332.075
ORS 338.165
ORS 339.115 to 137
ORS 343.151
ORS 343.157
ORS 343.193
ORS 343.221
ORS 343.517
ORS 343.533

OAR 581-015-2040
OAR 581-015-2045
OAR 581-015-2080
OAR 581-015-2085
OAR 581-015-2190
OAR 581-015-2195
OAR 581-015-2315
OAR 581-015-2480
OAR 581-021-0029
OAR 581-022-1340

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(3) (2012).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2006).

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