

Winston-Dillard School District 116

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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student

to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Winston-Dillard School District 116

OK

Code: IA
Adopted: 6/22/05
Revised/Readopted: 4/20/11; 1/15/14
Orig. Code(s): IA

Instructional Goals

In ~~The~~ establishing an effective educational program as part of the students' total education, the district recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community ~~through such means as 21st Century Schools Councils, local school committees and advisory committees~~.

The district is committed to a continual process of collaborative decision making and goal setting that supports the ~~physical and cognitive growth and development of students around the following~~ characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, sexual orientation, ~~gender~~, capability or geographic location;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations, and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Supports the physical and cognitive growth and development of students;
5. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
6. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
7. Provides for rigorous academic content standards and instruction in mathematics, science, ~~language arts~~English, history, geography, economics, civics, physical education, health, the arts and world languages;
8. Provides students with an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
9. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
10. Provides students with the knowledge ~~and~~, skills ~~and positive attitude~~ that lead to an active, healthy lifestyle;

11. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
12. Provides opportunities for students to learn through a variety of teaching strategies;
13. Emphasizes involvement of parents and community in the total education of students;
14. Transports students safely to and from school;
15. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;
16. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
17. Provides for a safe, educational environment;
18. Provides increased learning time;
19. Provides each student an education experience that supports ~~Supports~~ students' academic growth beyond proficiency in academic content standards and encourages their attainment of challenging and aspirational individual goals [✓][;] [and] ✓
20. ✓ Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement. ✓

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.125](#)

[ORS 336.067](#)
[OAR 581-022-2030](#)

[OAR 581-022-2315](#)

House Bill 2056 (2021).

Winston-Dillard School District 116

Code: IB
Adopted: 4/20/11
Revised/Readopted: 2/09/22
Orig. Code(s): IB

OK

Freedom of Expression**

Students have a general right to freedom of expression within the school system. The district requires that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability, geographic location, sex, sexual orientation or gender identity. Each student organization must have a staff adviser to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

Publications K-8, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by the administrator or may be restricted or prohibited pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;

5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, e.g., if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists; that are distributed or generally made available, either free of charge or for a fee, to members of the student body; and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law or regulation; or
6. So incites students as to create a clear and present danger of:
 - a. The commission of unlawful acts on or off school premises;
 - b. The violation of district[or school] policies; or
 - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make a decision within three school days of the meeting.

If the complainant is not satisfied with the decision of the superintendent, the complainant may appeal to the Board under established district procedures.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 329.025](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 336.477](#)
[ORS 339.880](#)
[ORS 339.885](#)
[ORS 659.850](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2018).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
U.S. CONST. amend. I; U.S. CONST. amend. XIV.
OR. CONST., art. I, § 8.
House Bill 3041 (2021).

Winston-Dillard School District 116

OK

Code: IBDJA
Adopted: 4/20/11
Revised/Readopted: 4/11/18
Orig. Code(s): IBDJA

Relations with Home-schooled Students**

The district recognizes the rights of parents to educate students at home and acknowledges the education service district's role in registering and monitoring test results for students who are being taught at home.

Further, the Board is willing to assist parents in this endeavor if a request is made through the superintendent. The district will furnish basic course descriptions, state standards for elementary and secondary education, and when available, may furnish basic instructional materials upon deposit of a loss/damage fee.

Students may, upon parent request, be allowed to participate in district programs such as physical education programs, instrumental and vocal music programs, or other selected options if space and materials are available. Such students must then adhere to regular attendance procedures as established by the school and must avoid disruption of said programs. Parents are responsible for transportation for students attending selected school offerings.

The district shall evaluate transcripts and determine the value of prior credits and number of years of school attendance or equivalent for home-schooled students on a case-by-case basis.

Homeschooled ~~Home-schooled~~ students may participate in available interscholastic activities if the following requirements are met:

1. The student can meet the district eligibility requirements, except the district or class attendance requirements;
2. The student need not meet class requirements of the voluntary association administering the interscholastic activities;
3. The student must meet one of the following:
 - a. The student must achieve the minimum score on an examination from the list adopted by the State Board of Education that places the student at or above the 23rd percentile based on national norms. The examination shall be taken at the end of each school year. The parent or guardian shall submit the examination results to the district. The student may participate while awaiting test results; or
 - b. The district may adopt alternative requirements, in consultation with the parent or guardian, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to the district for review to determine whether a student is eligible to participate in interscholastic activities.
4. ~~h-~~The student must fulfill the same responsibilities and standards of behavior and performance including related class or practice requirements of other students participating in the interscholastic

activity. The student must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation;

5. The student must reside in the attendance boundaries of the school for which the student participates.

“Interscholastic activities” means, athletics, music, speech and other similar or related activities.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 339.030](#)

[ORS 339.035](#)

[ORS 339.450 to -339.460](#)

[OAR 581-021-0026 to -0029](#)

[OAR 581-021-0033](#)

[OAR 581-021-0071](#)

[OAR 581-021-0210](#)

[OAR 581-022-2505](#)

Winston-Dillard School District 116

Code: IBDJA-AR(1)
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IBDJA-AR(1)

Home Schooling – Procedures**

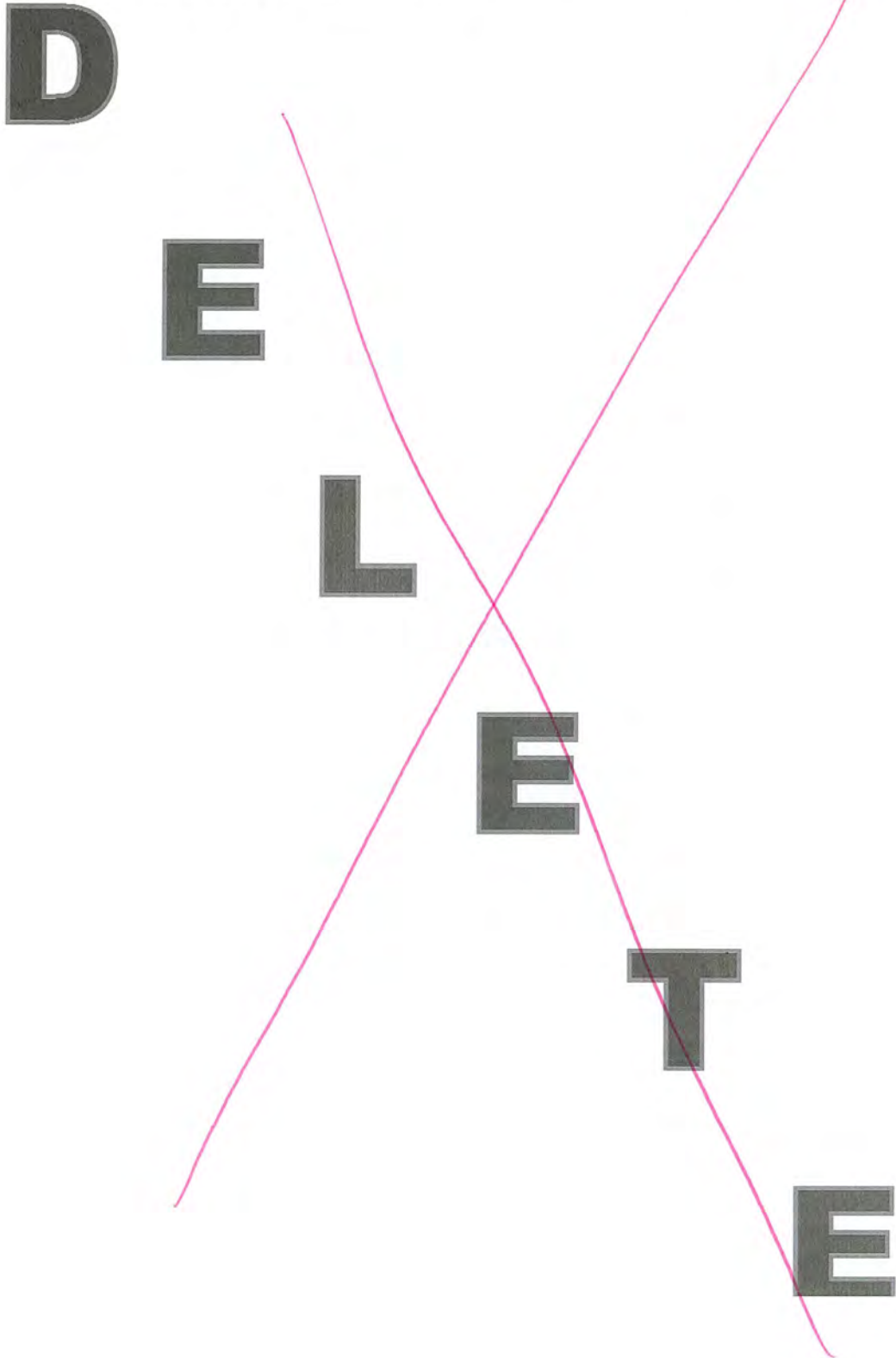
(This restates what is in JEA-AR, which is supported with policy updates from OSBA.)

Home schooling is that situation in which a child is being taught by a parent or a private teacher the courses of study usually taught in grades 1-12 in the public school for a period equivalent to that required of students attending public schools. The procedure for home-schooling students is as follows:

1. When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the Douglas Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. Notification must be received and acknowledged before a student is withdrawn from school, and thereafter before the start of each school year;
2. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:
 - a. If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
 - b. If the student never attended public or private school, the first examination shall be administered prior to the end of grade 3;
 - c. Procedures for home-schooled students with disabilities are set out in OAR 581-021-0029.
3. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
4. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education (ODE);
5. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
6. All costs for the test instrument, administration and scoring are the responsibility of the parent;
7. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.

The district assumes no responsibility for the instruction of the child who is being home schooled. A student enrolling at Douglas High School after a period of home schooling may apply to challenge required courses for credit by examination. Application must be addressed to student services for

directions and processes for challenge examination, one week prior to opening of fall semester, and two weeks prior to opening of the second semester.



Winston-Dillard School District 116

Code: IBDJA-AR(2)
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code(s): IBDJA-AR(2)

D

Home Schooling – Interscholastic Participation**

(This seems to be restating policy IBDJA. Is there something in here not covered by policy IBDJA?)

A home-school student may participate in interscholastic activities in his or her resident district's attendance area if the student meets all of the requirements of ORS 339.460 and:

1. Achieves a composite test score that is not less than the 23rd percentile on any of the annual achievement tests listed in OAR 581-021-0026; and
2. Submits the student's composite test score to the district prior to participation in an interscholastic activity.

Notwithstanding this rule, any public school student who chooses to be home schooled may participate in interscholastic activities while awaiting test score results.

A district may adopt alternative requirements, in consultation with the parent or legal guardian of a home-school student, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to a district committee for review to determine whether a student is eligible to participate in interscholastic activities.

Requirements of ORS 339.460 address:

1. Compliance with all rules governing home schooling and provision to the administration acceptable documentation of compliance;
2. Meeting all district eligibility requirements with the exception of:
 - a. The district's school or class attendance requirements; and
 - b. The class requirements of the voluntary association administering interscholastic activities.
3. Achievement of a minimum score on the achievement test required annually;
4. Loss of eligibility;
5. Responsibilities and standards of behavior and performance, including related class or practice and residence requirement;
6. Alternative requirements that a student must meet to participate in interscholastic activities as may be adopted by the district, in consultation with the parent or legal guardian, and consistent with ORS 339.460 (1)(B)(b)(B).

Winston-Dillard School District 116

OK

Code: IC/ICA
Adopted: 1/13/16
Orig. Code(s): IC/ICA

School Year/School Calendar

The Board will approve the school year calendar for the following year no later than its ~~April~~ meeting following due consideration of the recommendation of the superintendent and the input from staff, parents and the community. After Board approval, any modification of the calendar will require Board action.

The superintendent will develop a school calendar that satisfies the requirements of Oregon Administrative Rule 581-022-2320. The calendar will include the number of student days/hours, number of workdays for staff and holidays. The calendar will meet or exceed state requirements. The starting and ending times for the school day will be established annually by the superintendent.

Any instructional hours/Days lost will be made up to ensure that the state-required number of days/hours are met by the district.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 243.650](#)
[ORS 332.075\(1\)\(a\)](#)

[ORS 332.107](#)
[ORS 336.010](#)

[OAR 581-022-2320](#)

Winston-Dillard School District 116

? PLEASE REVIEW

Code: ICB
Adopted:

Religious and Cultural Holidays**

{Optional policy. The district could adopt portions of the policy or make changes to better meet the district’s needs. If the district adopts this policy, OSBA encourages the district to engage the community to determine what the major holidays are in the district’s school community.}

Accommodation for Religious Instruction and Cultural Observance

The district recognizes each student’s individual right to free exercise of religion. The district may accommodate students’ religious or cultural¹ observance, while neither promoting one religion or culture over another nor preferring religion over non-religion. Specific requests for religious or cultural accommodation should be directed to the student’s teacher or principal [in accordance with Board policy IGBHD - Program Exemptions].

Release Time for Religious and Instruction and Cultural Holidays

The district will permit elementary and secondary school students to be released from school each week consistently for religious instruction in accordance with Oregon law [and Board policy JEF - Release Time for Religious Instruction].

Accommodation of Absences for Religious [and Cultural Reasons]

Any student unable to attend classes on a particular day due to religious beliefs [or cultural observance] shall be excused from attendance requirements for that day. No such absence shall be counted against a student in determining eligibility for educational benefits, exclusion from programs, reduction of grades or failure.

Scheduling Around Major Religious and Cultural Holidays

For purposes of this policy, “major religious or cultural holidays”² are holidays, observance of which: (1) is common among adherents of a student’s religion or culture; (2) include ritual or worship obligations or practices that cannot reasonably be fulfilled during school activities;³ and (3) fulfillment of such obligations or practices would necessarily conflict with scheduled school activities.⁴

¹ An example of a major non-religious cultural holiday would be the Chinese New Year.

² Districts are encouraged to engage with the community to identify holidays that are observed by students, staff and community members that would be considered major religious or cultural holidays.

³ For example, holiday-related dietary restrictions may still be observed while at school, but group prayer or ritual hymns may not.

⁴ If such obligations occur in the evening, then there would be no constraints on scheduling such activities during the school day, so long as the students will be timely released to engage in such evening activities.

1. Schoolwide and Gradewide Events. Schools should avoid scheduling important events that by their nature cannot be made up (such as picture day, open house, prom, graduation, and Outdoor School) on days that conflict with major religious or cultural holidays that may impact student attendance or participation. Such events shall be scheduled on major religious or cultural holidays only if such scheduling is reasonably necessary to carry out the proper functioning of a school program or course of study, to avoid an unreasonable burden on other students, or if such scheduling is outside the control of school employees.

The district will make a good faith effort to identify major religious or cultural holidays observed in the local community by consulting generally accepted sources of information. Students and families may request that one or more holidays from their religious or cultural tradition be included on the district's list of major religious or cultural holidays under this policy.

2. Field Trips, Cocurricular and Extracurricular Activities. When scheduling other special events such as field trips, try-outs, plays, concerts and major cocurricular and extracurricular activities, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Staff will inform students and parents of plans as far in advance as possible, so that conflicts with major religious or cultural holidays can be avoided, if it is possible to do so without making burdensome demands on programs or other students, and otherwise accommodated if not. Parents and students are encouraged to communicate their need for accommodation to the school, for major religious or cultural holidays not already recognized by the district.

The field trip approval process will include a question about scheduling and major religious or cultural holidays. For a field trip to be scheduled on a major religious or cultural holiday, an administrator must review and approve the request. Administrator approval is also required to schedule a major cocurricular or extracurricular activity on a major religious or cultural holiday when scheduling is within the control of the school or district.

3. Tests and Assignments. Any tests and assignments a student misses because of religious instruction or religious or cultural observances shall be given to the student at another time. Teachers shall provide students a meaningful opportunity and reasonable time to make up missed classwork, tests, quizzes, and final exam reviews, and to complete homework due on that day or the following school day. When scheduling tests, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Make-up opportunities will not be required of a student on the school day immediately after a student is absent from school to observe a major religious or cultural holiday.

4. Final Exams. Final exams are scheduled based on the district-adopted calendar. The Board should consider the likely resulting exam schedule and possible conflicts with major religious or cultural holidays as they consider calendar options.

Communication

The superintendent will prepare guidelines implementing this policy, including a list of major religious holidays and cultural holidays, which will be communicated to staff. School staff will be informed at least twice per year of dates of major religious or cultural holidays. Parents will be informed at least annually about this policy and their student's right to request accommodation. Information including a list of major religious or cultural holidays will be made available on the district website. Parents are encouraged to communicate their student's need for accommodation to the school.

The superintendent shall reconsider the scope of this policy and recommend changes to the Board as needed if the total number of school days identified as major religious or cultural holidays is likely to impose an unreasonable burden on the district's ability to schedule important school events.

END OF POLICY

Legal Reference(s):

[ORS 336.035\(2\)](#)
[ORS 336.465](#)
[ORS 336.615](#)
[ORS 336.625](#)

[ORS 336.635](#)

[OAR 581-002-0035](#)
[OAR 581-021-0009](#)

[OAR 581-021-0071](#)
[OAR 581-022-2050](#)
[OAR 581-022-2110](#)
[OAR 581-022-2505](#)

Winston-Dillard School District 116

DELETE

Code: ID
Adopted: 4/20/11
Orig. Code(s): ID

D

School Day

(See policy IC/ICA)

The number of days of instruction and number of hours of instruction will be determined by the superintendent with final approval by the Board. The district may exceed state requirements. Starting and ending times for the school day will be established annually by the superintendent.

END OF POLICY

E

Legal Reference(s):

[ORS 332.075](#)
[ORS 332.107](#)

[OAR 581-022-1620](#)

L

E

T

E

Winston-Dillard School District 116

DELETE

Code: IE
Adopted: 4/20/11
Orig. Code(s): IE

D

Organization of Instruction

The district is organized on a K-12 grade-level plan.

Multiple-level offerings may be established to meet the needs of students' continuous progress and individualized instruction. Instructional groupings will be organized as heterogeneously as possible to promote the attitudes and skills necessary for democratic citizenship.

Any proposed substantial modification or changes in the organization of instruction as adopted by the Board requires final Board review and approval.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.585](#)
[ORS 332.075](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)

[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

L

E

T

E

Winston-Dillard School District 116

OK

Code: IF
Adopted: 4/20/11
Orig. Code(s): IF

Curriculum Development

The Board believes it is necessary to continually develop and modify the district's curriculum to meet changing needs in technology and fields of knowledge and to assure the full, rounded and continuing development of students. While keeping with the requirements of state law, the Board authorizes the superintendent, in consultation with staff, parents and the community, to review the curriculum periodically and to advise the Board on needed curriculum changes.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075\(1\)](#)
[ORS 336.035](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2000](#)
[OAR 581-022-2030](#)
[OAR 581-022-2250](#)

[OAR 581-022-2300](#)
[OAR 581-022-2305](#)
[OAR 581-022-2310](#)
[OAR 581-022-2315](#)

Winston-Dillard School District 116

PLEASE REVIEW

Code: IFA
Adopted:

Instructional Research

(Version 2)

(See the district's current version of IFA/IFB. This is an alternate version.)

The district has the responsibility to engage in long-range educational planning in order to advise the Board regarding policy and effective decision making. The district is committed to the position that planning must be supported by appropriate research and evaluation.

The superintendent will establish formal procedures through which district personnel can submit educational research proposals. A major purpose of such research is to contribute to the quality of educational programming and advance the general welfare of students.

Objectives include:

1. Inducing change in the curriculum and techniques under conditions which are conducive to the growth of the educational program;
2. Encouraging and coordinating creative efforts so that duplication, conflict and waste of time may be avoided;
3. Facilitating the teacher-learning process and developing greater effectiveness in teaching;
4. Creating a climate for professional growth through creativity and innovation;
5. Establishing criteria for change in educational practices through innovative development and creativity.

Proposals to involve the district in research originating from sources other than district personnel require prior approval from the superintendent. The basic premise for involving the district in research is the ability of the district to use results.

END OF POLICY

Legal Reference(s):

[ORS 329.704](#)

[ORS 332.107](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Winston-Dillard School District 116

PLEASE REVIEW

Code: IFA/IFB
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFA/IFB

Curriculum Research/Pilot Projects

(Version 1)

(There is an alternate version of this policy – see version 2)

A pilot project is defined as an educational experiment conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that experiment for fulfilling the present and future needs of the district.

Requests for permission to conduct such projects must be submitted to the superintendent and must be approved by the Board. Pilot projects are subject to compliance with state and federal laws and to Board policy and administrative regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.675 - 329.745](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

Winston-Dillard School District 116

OK

Code: IFCA
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFCA

21st Century Schools Councils**

21st Century Schools Councils are mechanisms for implementing shared decision making for school improvement. Shared decision making is one of many strategies to initiate and realize school improvement. It is a process, not an end in itself. Shared decision making provides opportunities for all members of a school community to collaborate, where appropriate, in solving problems, defining goals, and shaping direction for an individual school. The overall purpose of shared decision making is to enhance student achievement through both improvement of the instructional program and delivery of support services.

21st Century Schools Councils neither remove nor replace the legal responsibilities of the Board, the superintendent, district staff or administrators. Site-based decision making through the 21st Century Schools Council means moving some decisions traditionally made by the central office to the building level and, in turn, providing opportunities for staff and community members to participate in some decisions normally made unilaterally by the principal. Collaboration is the essential component in shared decision making.

The establishment and charge of a 21st Century Schools Council shall not interfere with the duties, responsibilities and rights of the duly elected Board.

The Board subscribes to and supports the concept of shared decision making as outlined in Oregon's Educational Act for the 21st Century and delineated in ORS 329.705 governing 21st Century Schools Councils.

1. Each school in the district shall establish a 21st Century Schools Council, whose duties shall include, but are not limited to:
 - a. Development of plans to improve the professional growth of the school's staff;
 - b. The improvement of the school's instructional program; and
 - c. Development and coordination of plans for the implementation of programs under ORS Chapter 329 at the school;
 - d. Administration of grants-in-aid for the professional development of teachers and classified district employees; ~~and,~~
 - e. ~~Advising the board in the development of a plan for school safety and student discipline under ORS 339.333.~~
2. Each 21st Century Schools Council shall be composed of the following:
 - a. Not more than half shall be teachers (may include licensed library and/or media specialists and licensed school counselors), elected by licensed teachers of the school site;
 - b. The principal or the principal's designee;

- c. At least one member shall be a classified employee, elected by classified employees at the school site; and
- d. Not more than half of the members shall be parents or legal-guardians of students, elected by parents of students attending the school.

Other members may be designated by the site council from district community that include but are not limited to, local school committee members, business leaders, students and members of the community-at-large.

3. In making recommendations, the 21st Century Schools Council shall:
 - a. Use effective research and assessment to support a recommendation;
 - b. Stay within the district's vision, mission and goals;
 - c. Collaborate with other schools in the district, the district office, and other 21st Century Schools Councils in the district;
 - d. Utilize facilitated shared decision-making;
 - e. Stay within frameworks established by federal law, state law, Oregon Administrative Rules, Board policies, negotiated collective bargaining agreements, and Board-adopted curriculum; and
 - f. Maintain frequent communication with the board in the conceptual stage of plans to develop the knowledgeable support of the Board.
4. The 21st Century Schools Council shall select its own chair or facilitator and recorder.
5. The 21st Century Schools Council shall determine its recommendations and actions through the application of consensus-building.

The 21st Century Schools Council's recommendations addressing significant changes in curriculum or instructional methodology, requiring reallocation of fiscal resources, or having an impact districtwide, must be adopted by the Board before implementation.

If the Board determines that a school site is unable to fulfill the requirement of the 21st Century Schools Council as outlined in this policy, or if the needs of a school site require a different composition, the Board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

The 21st Century Schools Councils may request a waiver of Board policy. A waiver request must be submitted in writing to the superintendent. The superintendent will submit the waiver request and his or her recommendation to the Board for final approval. A policy waiver request will be considered based on the district's mission statement, philosophy, Board-adopted goals and effective schooling tenets.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval, respectively. In no case will a 21st Century Schools Council, i.e., site council, abrogate any provision of the district's collective bargaining agreements, district contracts, or Board policy, except through the waiver process.

All 21st Century Schools Council meetings shall follow the notice, meeting, and record -keeping requirements of the Public Records and Meetings Law.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#) to -192.690
[ORS 243.650](#)
[ORS 243.782](#)

[ORS 329.125](#)
[ORS 329.704](#)

[OAR 581-020-0100](#) to -0115
[OAR 581-020-0125](#)
[OAR 581-020-0130](#)

Winston-Dillard School District 116

OK

Code: IFD
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFD

~~Curriculum Adoption~~ Course Approval

(See policy IIA for curriculum adoption)

~~Substantive changes to currently approved courses of study must be approved by the Board. However, changes prompted by state mandates, compliance to maintain standards, or minor building level organizational needs not affecting the district generally, need not be brought to the Board for approval.~~

A “course,” i.e., Latin America, is defined as a subject/class taught within a program (i.e., Social Studies).

The addition or deletion of courses shall require principal approval with review by ~~(the superintendent)~~ and shall be consistent with district and course goals.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.075](#)

[ORS 332.107](#)
[ORS 336.035](#)

[OAR 581-022-2000](#)
[OAR 581-022-2030](#)

Winston-Dillard School District 116

OK

Code: IFE
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IFE

Curriculum Design, Curriculum Guides and Course Outlines

~~The curriculum of the district is designed to provide students a range of preparation in academic areas, as well as in developing values and behaviors in interpersonal relations, exploring leisure time activities, preparing for the world of work, and acquiring the broad spectrum of skills necessary for success in life.~~

Curriculum guides and course outlines will ~~shall~~ be written ~~available~~ for all courses offered in the district. Academic content standards ~~17~~ as adopted by the State Board of Education will be included. Teachers are expected to adhere closely to the course of study adopted by the district. Syllabi shall be written for courses in grades 9-12. Information regarding course offerings and course descriptions shall be available to all students and interested ~~patrons of the~~ district community members, upon request.

END OF POLICY

Legal Reference(s):

[ORS 332.075\(1\)](#)

[ORS 336.035](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-022-2000](#)

[OAR 581-022-2030](#)

[OAR 581-022-2250](#)

[OAR 581-022-2300](#)

[OAR 581-022-2305](#)

[OAR 581-022-2310](#)

[OAR 581-022-2315](#)

¹ [The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).]

Winston-Dillard School District 116

OK

Code: IGAC
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 4/11/18
Orig. Code(s): IGAC

Religion and Schools

Teachers shall be permitted to teach or present to students information concerning religions and religious beliefs, but teachers shall not promote or inhibit, openly or covertly or by subtlety, a particular religion, religious belief or nonreligious belief.

Students and staff members may be excused from participating in programs or activities which are contrary to their religious beliefs without penalty.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#) [ORS 336.035](#)

U.S. Const. amend. I.
OR. CONST., art. I.
Kennedy v. Bremerton Sch. Dist., 142 S. Ct. 2407 (2022).

Winston-Dillard School District 116

Code: IGAC-AR
Revised/Reviewed: 7/10/02; 4/20/11; 4/11/18
Orig. Code(s): IGAC-AR

OK

Recognition of Religious Beliefs and Customs

Observances of Religious Holidays

The practice of the district shall be as follows:

1. Holidays which have a religious and secular basis may be observed in the public schools;
2. The historical and contemporary values and the origin of religious and secular holidays may be explained in an unbiased and objective manner without sectarian indoctrination;
3. Music, art, literature and drama having religious themes or bases are permitted as part of school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday;
4. The use of religious symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature;
5. The district's calendar should be prepared to minimize conflicts with religious holidays.

Religion in the Curriculum

1. The district supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas.
3. Curriculum and instruction includes theories, views and precepts.
4. Student-initiated expressions to questions or assignments which reflect their religious or nonreligious beliefs are permissible. For example, students are free to express religious or nonreligious belief in compositions, art forms, music, speech and debate.

Traditional Observances

Traditions are a cherished part of the community life and the district expresses an interest in maintaining those traditions which have had a significance to the community.

The practice of the district shall be as follows:

OK

1. A baccalaureate service is traditionally religious in nature and shall not be sponsored by the district. One or more community groups may hold a baccalaureate service on district property or in a district facility, but must conform to the current community use policy.
2. A memorial service which is religious in nature shall not be sponsored by the district. One or more community groups or individuals may hold a memorial service on district property or in a district facility, but must conform to the current community use policy.

Winston-Dillard School District 116

Code: IGAEB
Adopted: 4/20/11
Revised/Readopted: 4/13/16
Orig. Code(s): IGAEB

OK

Drug, Alcohol and Tobacco Prevention, Health Education**

Students have a right to attend school in an environment conducive to learning. Since student drug, alcohol and tobacco use is illegal and harmful and interferes with both effective learning and the healthy development of students, the school has a fundamental legal and ethical obligation to prevent unlawful drug, alcohol and tobacco use and to maintain a drug-free educational environment.

After consulting with parents, teachers, school administrators, local community agencies and persons from the drug, alcohol or health service community who are knowledgeable of the latest research information, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

Drug Prevention Program

The district's drug, alcohol and tobacco curriculum will be age-appropriate, reviewed annually and updated as necessary to reflect current research and Oregon's Health Education Academic Content Standards.

Drug, alcohol and tobacco prevention instruction will be integrated in the district's health education courses for grades K-12. Students not enrolled in health education shall receive such instruction through other designated courses. At least annually, all high school students, grades 9-12, shall receive instruction about drug and alcohol prevention. Instruction shall minimally meet the requirements set forth in Oregon Administrative Rules.

The district will include information regarding the district's intervention and referral procedures, including those for drug-related medical emergencies, in student/parent and staff handbooks.

"Intervention" is defined as the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically, and/or legally as a result of prohibited drug, alcohol and/or tobacco use.

Any staff member who has reason to suspect a student is in possession of, or under the influence of unlawful drugs, alcohol, other intoxicants or tobacco on district property, on a school bus or while participating in any district-sponsored activity, whether on district property or at sites off district property, will escort the student to the office or designated area and will report the information to the principal or his/her designated representative.

The principal or designee will:

1. Call law enforcement if deemed appropriate;
2. Call the parents for a meeting;

3. Discuss the incident with student, parents if available and ~~law enforcement~~ police if contacted;
4. Impose the penalty for violations using due process procedures;
5. Tell parents about resources which offer treatment or assistance for young people suffering from drug-, alcohol- or tobacco-related problems.

Students possessing, using and/or selling unlawful drugs, including drug paraphernalia, alcohol and tobacco on district property, in district vehicles, at district-sponsored activities on or off district grounds shall be subject to discipline up to and including expulsion. When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA ~~/JGEA~~ Discipline of Students with Disabilities including those involving functional behavioral assessment, change of placement, manifestation determination and an interim alternative educational setting. Students may also be referred to law enforcement officials.

Each year the administration will meet with law enforcement officials to discuss:

1. Who the school should call for suspected violations of the law or other needs;
2. How school representatives should handle evidence of a suspected offense (i.e., school staff should not taste a substance to ascertain whether or not it is a drug). What about fingerprints? Paraphernalia?
3. What questioning procedures may take place on district property;
4. Other needs of the district and law enforcement to avoid conflicts or confusion before a substance-related incident occurs.

In general, drug-related medical emergencies will be handled like a serious accident or illness. Immediate notification of the community emergency care unit is required. Trained staff members will assist the student in any way possible. Parents shall be contacted immediately. A staff member shall be designated to accompany the student to the hospital or emergency medical facility. Procedures to be taken, including those for students participating in district-sponsored activities off district grounds, shall be included in the district's comprehensive first aid/emergency plan.

The district will actively seek funds from outside sources either independently or through coordinated efforts with other districts, community agencies or the education service district for drug-free schools grants.

A planned staff development program that includes current drug, alcohol and tobacco prevention education, an explanation of the district's plan and staff responsibilities within that plan will be developed by the superintendent. The input of staff, parents and the community is encouraged to ensure a staff development program that best meets the needs of district students.

The district will develop a public information plan for students, staff and parents.

The district's Drug, Alcohol and Tobacco Prevention, Health Education ~~plan~~ policy, related board policies, rules and procedures will be reviewed annually and updated as needed.

END OF POLICY

R7/01/17 | PH

Drug, Alcohol and Tobacco Prevention, Health Education** – IGAEB

Legal Reference(s):

[ORS 163.575](#)

[ORS 336.067](#)

[ORS 336.222](#)

[ORS 339.873](#)

[ORS Chapter 475](#)

[OAR 581-011-0052](#)

[OAR 581-015-2000](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2050](#)

[OAR 581-015-2055](#)

[OAR 581-015-2060](#)

[OAR 581-015-2070](#)

[OAR 581-015-2075](#)

[OAR 581-015-2205](#)

[OAR 581-015-2220](#)

[OAR 581-015-2225](#)

[OAR 581-015-2230](#)

[OAR 581-015-2235](#)

[OAR 581-015-2240](#)

[OAR 581-015-2325](#)

[OAR 581-015-2410](#)

[OAR 581-015-2415](#)

[OAR 581-015-2420](#)

[OAR 581-015-2425](#)

[OAR 581-015-2430](#)

[OAR 581-015-2435](#)

[OAR 581-015-2440](#)

[OAR 581-015-2600](#)

[OAR 581-015-2605](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 581-022-2030](#)

[OAR 581-022-2045](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670; 86.1-86.7 (2017).

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Winston-Dillard School District 116

ok

Code: IGAEC
Adopted: 4/20/11
Orig. Code(s): IGAEC

Anabolic Steroids and Performance-Enhancing Substances

The district will not tolerate the possession, selling or use of anabolic steroids. In addition, the district will use an evidence-based instructional grade K-12 health education program that seeks to prevent the use of anabolic steroids and performance-enhancing substances. The program will meet additional minimum requirements as defined by law¹.

~~The district will not tolerate the possession, selling or use of unlawful drugs or hormonal substances chemically or pharmacologically related to testosterone. In addition, the district will utilize an evidence based instructional grade K-12 program that shall prevent the use of anabolic steroids and performance-enhancing substances. The program will meet additional minimum requirements as defined by law.~~

Definitions

“Anabolic steroid” includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. Anabolic steroid does not include estrogens, progestins, corticosteroids and mineralocorticoids.

“Performance-enhancing substance” means a manufactured product ~~for~~ oral ingestion, intranasal application or inhalation containing compounds that contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual’s endurance or capacity for exercise.

“School district employee” means an administrator, teacher or other person employed by a school district; a person who volunteers for a school district; and a person who is performing services on behalf of a school district pursuant to a contract.

The Board directs the superintendent to ensure that anabolic steroid and performance-enhancing substance abuse by students is addressed and may be a part of the district’s Prevention Program (OAR 581-022-20450413).

~~The district is committed to an aggressive K-12 education program to eliminate abuse of anabolic steroid and performance enhancing substance by students.~~

¹ Additional requirements include prevention strategies, strength-building alternatives and the understanding of health food labels.

The program shall include training for school district employees~~staff~~ who are athletic directors, and/or coaches^{2}, including volunteers and contractors,⁴ at least once every four years in accordance with law.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the code of conduct~~code~~ which may include discipline up to and including expulsion. Students violating the code of conduct prohibiting substance abuse, possessing, selling and/or using unlawful drugs or alcohol or other prohibited substances may be subject to an assessment and, if appropriate, referred to law enforcement officials. When considering disciplinary action for a student with disabilities, the district must follow the requirements of Board policy JGDA/JGEA – Discipline of Students with Disabilities, including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.250](#)

[ORS 342.721](#)
[ORS 342.726](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)

Controlled Substances Act, 21 U.S.C. § 812 (2018); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2019).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).

{² Volunteers and contractors are included in the definition of “school district employee,” but can be included in this paragraph if it would help district remember that this training should be made available to some who are not employees under the typical meaning of the word.}

Winston-Dillard School District 116

Code: IGAED
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IGAED

ADOPT?
SIMILAR TO

Safety Instruction

(Similar language is also in policy JHF. Need both?)

Appropriate safety instruction shall be provided for students in order that they will be able to identify hazards, assess risks, and make and execute wise decisions regarding safety.

Safety instruction shall provide for:

1. General safety education goals appropriate to safety instruction coordinated across the curriculum at all grade levels - K-12 and for all classes;
2. Safety instruction in all curriculum areas involving laboratory activities;
3. Instruction in basic emergency procedures for each laboratory, shop, and studio, including identification of common physical, chemical and electrical hazards;
4. Instruction in specific accident prevention procedures for each type of classroom and laboratory;
5. A written and/or performance test for students to measure their knowledge of safe working practices in the laboratory, shop or studio;
6. Fire and earthquake safety instruction in keeping with ORS 336.071. *(This is in policy EBCB.)*

END OF POLICY

Legal Reference(s):

ORS 329.0925

[ORS 332.107](#)

OAR 581-022-2225

Winston-Dillard School District 116

OK

Code: IGAI
Adopted: 4/20/11
Revised/Readopted: 4/16/14; 7/13/16; 10/09/19
Orig. Code(s): IGAI

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health department departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that their his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

The district's health and sexuality education will provide information on menstrual health and will be inclusive and affirming of transgender, non-binary, intersex, and two spirit/indigiqueer students; be positive and not fear- or shame-based; be age-appropriate; be medically-accurate; be culturally responsive; and be accessible for students with disabilities.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.059](#)
[ORS 336.107](#)
[ORS 336.455 - 336.474](#)

[ORS 339.370 - 339.400](#)
[OAR 581-021-0009](#)
[OAR 581-021-0593](#)

[OAR 581-022-2030](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)

Winston-Dillard School District 116

Code:
Adopted:

IGAJ

Traffic Safety Education

(This is required if the district receives money from ODOT to provide driver safety education.)

If a traffic safety education program is provided by the district, the program will be made available to all eligible resident students. The district [will] charge a tuition rate as established by the Board.

Eligible nonresident students [may] enroll in the district's traffic safety education program if resources are available. Nonresident students [will be] charged tuition.

No resident student shall be denied enrollment in the district's traffic safety education program based solely on the ability to pay tuition.

The district will develop procedures for establishing tuition rates, enrolling nonresident students and reducing or waiving tuition.

END OF POLICY

Legal Reference(s):

[ORS 336.790 - 336.815](#)
[ORS 339.141](#)

[ORS 802.110](#)

[OAR 737-015-0010 - 0100](#)

Winston-Dillard School District 116

Code: IGAJ-AR
Revised/Reviewed:

Traffic Safety Education

(This is required if the district receives money from ODOT to provide driver safety education.)

The following procedures shall be used in implementing the district's traffic safety education program.

Tuition Rate

Each year prior to the Board's organization meeting, following July 1, the superintendent will provide the Board with data regarding the district's traffic safety education program. The data shall include the number of available "slots," the number of "slots" filled, the number of resident and nonresident students enrolled, the cost of the program, the amount of state reimbursement and other appropriate information. From this data, the superintendent will propose a tuition rate for Board adoption annually.

Nonresident Student Enrollment

Each August the superintendent will identify districts that might benefit from the district's traffic safety education program.

The superintendent [will] send a letter inviting nonresident student application. Such application shall establish a "waiting list." The waiting list shall be based upon a "first come, first served" basis. When the resident student enrollment is established, the waiting list will be activated.

All students shall be subject to the district's code of conduct, policies and administrative regulations. Violation may result in disciplinary action up to and including removal from the traffic safety education program.

Reduction or Waived Tuition

When a student requests a waiver or reduction of the established fee for traffic safety education, a review committee consisting of [the traffic safety education instructor], [the student's counselor] and [an administrator] shall review the request.

The committee shall only consider students who qualify for free or reduced-price meals under federal child nutrition programs or students whose family believes the tuition is a severe hardship.

Tuition waivers or reductions may result in:

1. Accessing a fund set aside to assist needy students;
2. Setting up a work program with the student;
3. Setting up a "payment plan";
4. Other.

Winston-Dillard School District 116

ok

Code: IGAM
Adopted: 1/25/06
Readopted: 4/20/11
Orig. Code(s): IGAM

Distance Learning

(Does this policy reflect current practice? What needs to be revised?)

The district supports distance learning as a viable methodology for delivering direct classroom instruction, program enrichment and staff development.

Licensed teachers may be assigned to a distance learning program without additional license requirements. Teachers offering instruction via live, interactive satellite must hold a current license either from the employing state or Oregon and pass a nationally recognized basic skills test.

The district may contract with the Superintendent of Public Instruction to provide online courses through the Oregon Virtual School District. The district may also allow students to access the online courses offered by the Oregon Virtual School District.

END OF POLICY

Legal Reference(s):

[ORS 342.140](#)
[ORS 342.173](#)

[ORS 342.400](#)
[ORS 342.192](#)
[ORS 354.410 - 354.430](#)

[OAR 584-036-0017](#) Div 36 does not exist. If this policy is kept I will need to research a new OAR, if applicable.

Winston-Dillard School District 116

Code: IGBA
Adopted: 2/06/08
Revised/Readopted: 4/20/11; 4/18/12; 12/13/17;
9/12/18
Orig. Code(s): IGBA

ok

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. (EI/ECSE). For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Douglas ESD is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (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. Native American¹ Indian preschool children living on reservations;
4. Suspected of having a disability even though they 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) 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; 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 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.

¹ The Individuals with Disabilities Education Act uses the term "Indian."

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 and 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 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 as 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 - 339.137](#)

[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 581-022-2315](#)

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).

Winston-Dillard School District 116

OK

Code: IGBA-AR
Adopted: 4/20/11
Revised/Readopted: 4/18/12
Orig. Code(s): IGBA-AR

Students with Disabilities - Child Identification Procedures

1. The district's child find efforts include ~~District's Child Find Efforts Include:~~
 - a. Public awareness. District child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - (1) The district provides information about special education services in the district and the district's special education referral process to public and private facilities and public charter schools located in the district, including day care centers, homeless shelters, group homes, local or regional correctional facilities ~~county jails~~, hospitals, medical offices ~~offices~~ and other facilities that serve children birth to 21 years of age ~~old~~.
 - (2) The district provides information about special education services and how to make a referral to any migrant education programs operating in the district.
 - b. Notice of confidentiality. Before any major child find activity, the district publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
 - c. Staff awareness. The district ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
 - d. Communication to parents. District staff shall inform parents about the availability of special education services in the district and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EI/ECSE) and the designated referral and evaluation agencies with which the district collaborates.
2. Private School Children with Disabilities:
 - a. The district's child find system applies to children, including those children who are residents of another state, that are enrolled by their parents in private schools, located within the boundaries of the district.
 - b. The district's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in district public schools.
 - c. The district does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal Individuals with Disabilities Education Act (IDEA) ~~IDEA~~ funds on parentally-placed school students with disabilities.

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- d. The district consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:
 - (1) How private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers and private school officials will be informed of the process.
 - e. The district child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.
3. Home-Schooled Students with Disabilities
- a. The district collaborates with the education service district~~ESD~~ that serves the district to ensure that the district responds promptly to information about home-schooled students with suspected disabilities.
 - b. The district collaborates with home schooling organizations in the district's jurisdiction and provides information about special education services in the district and how to make a referral.
 - c. If the district has reason to suspect that a home -schooled student has a disability, the district will obtain parent consent for initial evaluation.

Winston-Dillard School District 116

Code: IGBAB/JO
Adopted: 6/18/08
Revised/Readopted: 4/20/11; 12/13/11; 7/11/12
Orig. Code(s): IGBAB/JO

OK

Education Records/Records of Students with Disabilities**

“Education records” are those records maintained by the district that are directly related to a student.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student’s educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

~~The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student’s appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.~~

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student’s identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student’s records;
2. Request the amendment of the student’s educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB — Personally Identifiable Information);

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- 4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and
- 5. Obtain a copy of the district's education records policy.

~~The~~Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency have legitimate educational interests. School officials may also include a volunteer or contractor who performs an institutional service on behalf of the school.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18, those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years of age or older or an emancipated student and the general public.

Records requested by another district to determine a student's appropriate placement may not be withheld.

END OF POLICY

Legal Reference(s):

- | | | |
|-----------------------------|--------------------------------|---|
| ORS 30.864 | ORS 326.580 | OAR 166-400-0010 to -166-400-0065 |
| ORS 107.154 | ORS 339.270 | OAR 581-021-0220 to -0430 |
| ORS 326.565 | ORS 343.177(3) | OAR 581-022-2260 |
| ORS 326.575 | | OAR 581-022-2270 |

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
 Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

Winston-Dillard School District 116

OK

Code: IGBAB/JO-AR
Revised/Reviewed: 4/8/09; 4/20/11; 7/11/12;
9/11/13
Orig. Code(s): IGBAB/JO-AR

Education Records/Records of Students with Disabilities Management

I. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, ~~which~~ that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of ~~his/her~~ status as a student, are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in ~~his/her~~ professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after ~~the individual~~ ~~he/she~~ is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- a. Full legal name of the student;
- b. Student birth date and place of birth;
- c. ~~Names~~ Name of parents;

- OK
- d. Date of entry in school;
 - e. Name of school previously attended;
 - f. Courses of study and marks received;
 - g. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
 - h. Credits earned;
 - i. Attendance;
 - j. Date of withdrawal from school; and
 - k. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or an eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence ~~that~~ there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an individualized education program (IEP), ~~IEP~~, or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or an eligible student shall comply with the following procedure to inspect and review a student's education record:

- d. Provide a written, dated request to inspect a student's education record; and
- e. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at their~~his/her~~ expense, choose~~have those records reviewed by a physician or other appropriate professional and have those records reviewed of his/her choice.~~

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's~~students~~ educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.345~~501~~(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

~~Student~~Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The administrator/principal or his~~her~~-designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who ~~needs~~need to review an educational record in order to fulfill their~~his or her~~ professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;

- c. The disclosure is to authorized representatives of:

The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs, or the enforcement of or compliance with federal or state-supported education programs, or the enforcement of or compliance with federal or state regulations.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- (1) Determine eligibility for the aid;
- (2) Determine the amount of the aid;
- (3) Determine the conditions for the aid; or
- (4) Enforce the terms and condition of the aid.

As used in this section “financial aid” means any payment of funds provided to an individual that is conditioned on the individual’s attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:

- (1) Develop, validate or administer predictive tests;
- (2) Administer student aid programs; or
- (3) Improve instruction.

The district may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:

- (1) Designates the individual or entity as an authorized representative;
- (2) Specifies the personally identifiable information being disclosed;

- (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state -supported education programs;
 - (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
 - h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
 - i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
 - j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - k. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency;

- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA — Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational

agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;

- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061;

~~The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records;~~

- p. The disclosure is to a caseworker or other representative, who has the right to access the student’s case plan, of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

~~The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.~~

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or ~~his/her~~ assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student’s personally identifiable information:

- a. The parent(s) or an eligible student;
- b. The school official or ~~his/her~~ assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student’s Education Record

If an eligible student or student’s parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student’s rights of privacy or other rights, the student or parent(s) ~~he/she~~ may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of ~~his/her~~ right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or ~~his/her~~ designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at ~~his/her~~ own expense, ~~choose to be assisted or represented by one or more individuals to assist or represent them of his/her own choice~~, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or a contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why there is ~~disagreement~~ ~~the/she~~ ~~disagrees~~ with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or a contested portion is maintained by the district; and
- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled, and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement
Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

Winston-Dillard School District 116

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Code: IGBAC
Adopted: 11/16/05
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBAC

Special Education - Personnel

Consistent with Teacher Standards and Practices Commission (TSPC) requirements, the district's personnel are appropriately and adequately prepared to implement special education and related services, and have the content knowledge and skills to serve children with disabilities.

The district takes measurable steps to recruit, hire, train and retain personnel, who are appropriately licensed and endorsed by TSPC, to provide special education and related services to children with disabilities.

The district's plan for providing personnel development programs in the district is found in Board policy GCL - Staff Development - Licensed.

END OF POLICY

Legal Reference(s):

[OAR 584-220-0180](#)

[OAR 584-220-0185](#)

Individuals with Disabilities Education Act 20 U.S.C. § 1412(a)(14)(D) and 20 U.S.C. § 1413(a)(3) (2012).
Assistance to States for the Education of Children with Disabilities 34 C.F.R. § 300.156(d) and 34 C.F.R. § 300.207 (2017).

Winston-Dillard School District 116

OK

Code: IGBAE
Adopted: 2/6/08
Readopted: 4/20/11
Orig. Code(s): IGBAE

Special Education - Participation in Regular Education Programs

The district ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

[ORS 343.223](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2050](#)

[OAR 581-015-2055](#)

[OAR 581-015-2060](#)

[OAR 581-015-2065](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.114 to -330.118 (2006).

Winston-Dillard School District 116

OK

Code: IGBAE-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAE-AR

Special Education - Participation in Regular Education Programs**

1. Placement Decisions of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
- b. The student is educated in the school that the student~~he/she~~ would attend if nondisabled unless the services identified in the IEP cannot ~~feasibly~~ feasible be provided in this setting.
- c. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified in~~en~~ the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
- d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all IEP services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;
 - (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
 - (4) Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;
 - (5) In selecting the student's placement, the placement team considers and documents:

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- (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that the student~~the or she~~ needs; and
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
- (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
- (7) If the selected placement is a change from previous placement, the district provides the parent with prior written notice of the change in placement; and
- (8) If the parent requests a specific placement that the team rejects, the district provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to a free appropriate public education (FAPE), FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps, including providing the supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.

Winston-Dillard School District 116

Code: IGBAF
Adopted: 11/16/05
Revised/Readopted: 4/20/11; 4/18/12; 10/12/22
Orig. Code(s): IGBAF

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Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district; or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

Legal Reference(s):

[ORS 343.151](#)
[ORS 343.155](#)

[OAR 581-015-2000](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2200](#)

[OAR 581-015-2205](#)
[OAR 581-015-2210](#)
[OAR 581-015-2215](#)
[OAR 581-015-2220](#)
[OAR 581-015-2225](#)
[OAR 581-015-2229](#)
[OAR 581-015-2230](#)

[OAR 581-015-2235](#)
[OAR 581-015-2055](#)
[OAR 581-015-2600](#)
[OAR 581-015-2065](#)
[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 to -300.6, 300.22 to -300.24, 300.34, 300.43, 300.105 to -106, 300.112, 320.325, 300.328, 300.501 (2012).

Winston-Dillard School District 116

Code: IGBAF-AR
Revised/Reviewed: 2/6/08; 4/20/11; 4/13/16;
10/12/22
Orig. Code(s): IGBAF-AR

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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).
- e. The district takes steps to ensure that parent(s) 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.

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.

- g. 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 parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) 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(s) 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.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (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.

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 districtwide assessments of student achievement.
- (a) A student will not be exempt from participation in state or districtwide 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. ~~Individualized COVID-19 Recovery Services[†]~~

~~Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:~~

- ~~a. Special education and related services;~~
- ~~a. Supplementary aides and services;~~
- ~~a. Additional or intensified instruction;~~
- ~~a. Social emotional learning support; and~~
- ~~a. Peer or adult support.~~

~~The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.~~

- ~~a. IEP teams shall consider the impact COVID-19 on the eligible student’s ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.~~
- ~~b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student’s initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.~~
- ~~c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student’s IEP considering the need for Individualized COVID-19 Recovery Services.~~

[†]The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.

- a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.
- b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.

The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.

After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:

- a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;
- b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services
- e. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.

If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.

Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.

Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.

7.6. 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 revised copy of the IEP with the changes incorporated.

8.7. 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 districtwide 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;
 - (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 (FAPE).
- 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 parent(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 (OAR) 411-345-0020. 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.
5. 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.

9.8. 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.

10.9. 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 FAPE.
- 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.

11.10. 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 FAPE. ~~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.

11.11. 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 FAPE. ~~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 FAPE. ~~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 district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARs.
- (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.

Winston-Dillard School District 116

Code: IGBAG
Adopted: 4/8/09
Revised/Readopted: 4/20/11
Orig. Code(s): IGBAG

OK

Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹ ;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

Procedural Safeguards Notice

1. The district provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication 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 takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a ~~FAPE~~ free appropriate public education to the student.
2. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
4. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
5. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.165](#)
[ORS 343.177](#)
[ORS 343.181](#)

[OAR 581-001-0005](#)
[OAR 581-015-2000](#)

[OAR 581-015-2030](#)
[OAR 581-015-2090](#)
[OAR 581-015-2095](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2305](#)
[OAR 581-015-2310](#)

[OAR 581-015-2325](#)
[OAR 581-015-2330](#)
[OAR 581-015-2345](#)
[OAR 581-015-2360](#)
[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 to -300.505, 300.515, 300.517 (2008).

Winston-Dillard School District 116

Code: IGBAG-AR
Revised/Reviewed: 4/8/09; 4/20/11; 9/11/13;
12/13/17; 9/12/18; 10/12/22
Orig. Code(s): IGBAG-AR

OK

Special Education - Procedural Safeguards**

1. Procedural Safeguards

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called "eligible students").
- b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year;
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy; and
 - (4) To the parent and the student one year before the student's 18th birthday or upon learning that the student is emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in their native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or ODE;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and

- (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
 - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:

- (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
 - d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
 - e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
 - f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.
 - g. 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 goals and transition services.

6. Prior Written Notice

- a. 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 the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
 - (1) Written in language understandable to the general public; and

- (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
- (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Re-evaluation

- a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.

¹ "Consent" means that the parent or adult student: a) has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which their consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

(2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.

b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.

b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:

(1) Does not use mediation or due process hearing procedures to seek consent; and

(2) Does not consider the child as eligible for special education services.

c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.

d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:

(1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;

(2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;

(3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and

(4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

a. The district does not need written parent or adult student consent before:

(1) Reviewing existing data as part of an evaluation or re-evaluation;

(2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;

(3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or

(4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent’s right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
 - b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing.
 - c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.
19. Discipline and Placement in Interim Alternative Setting
- See Board policy JGDA - Discipline of Students with Disabilities.

Winston-Dillard School District 116

OK

Code: IGBAH
Adopted: 4/08/09
Revised/Readopted: 4/20/11; 12/13/17; 9/12/18
Orig. Code(s): IGBAH

Special Education - Evaluation Procedures**

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as ~~children in a migrant environment or experiencing houselessness~~ ~~migrant and homeless children~~;
2. Wards of the state;
3. ~~Native American~~ ^{Indian} preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) 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; 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.

¹ The Individuals with Disabilities Education Act uses the term "Indian".

The district is responsible for evaluating and determining eligibility for special education services for school-age children. The district is responsible for evaluating children who may be eligible for early intervention/early childhood special education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 - 2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).

Winston-Dillard School District 116

OK

Code: IGBAH-AR
Revised/Reviewed: 2/6/08; 4/20/11; 8/12/20
Orig. Code(s): IGBAH-AR

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

- b. The district does not conduct re-evaluation more than once a year unless the parent and district agree otherwise.

5. Evaluation Planning

- a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child, including:
 - (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
 - (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs, or continues to need, early intervention/early childhood special education (EI/ECSE) or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;

- (3) Are used for the purposes for which the assessments or measures are valid and reliable;
- (4) Are administered by trained and knowledgeable personnel; and
- (5) Are administered in accordance with any instructions provided by the producer of the assessments.

- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of ~~this or her~~ ^{his or her} age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement

tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.

- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

Winston-Dillard School District 116

Code: IGBAI
Adopted: 2/6/08
Revised/Readopted: 4/20/11
Orig. Code(s): IGBAI

OK

Special Education - Private Schools**

Individuals with Disabilities Education Act (IDEA) IDEA requires special education services for two different groups of private school students: those referred or placed by the district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and services for these groups districts.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2265](#)

[OAR 581-015-2270](#)

[OAR 581-015-2280](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

[OAR 581-015-2460](#)

[OAR 581-015-2470](#)

[OAR 581-015-2480](#)

[OAR 581-015-2515](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).

Winston-Dillard School District 116

OK

Code: IGBAI-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAI-AR

Special Education - Private Schools

Approved Private Schools

1. Obligations of the district:

- a. The district ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
- b. If the district refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the district ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education (ODE) to provide such education in conformance with an individualized education program (IEP), and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
- c. Before placing a student with a disability in an approved private school or preschool, the district ensures that the program has current ODE Oregon Department of Education approval to provide special education and related services.
- d. The district or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/individualized family service plan (IFSP) IFSP development and placement when determining whether to place the child in an approved private preschool or school for special education services.
- e. For each student age three through 21, the district's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the district ensures that school-age students are district residents or preschool-age children are eligible to receive early intervention/early childhood special education (EI/ECSE) EI/ECSE or special education services.
 - (2) The district initiates and conducts an individualized education program team meeting that includes a representative of the approved private school. If a representative of the approved private school, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the district and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the district or public agency, unless the district or public agency requests by written agreement that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP.

- (4) The district may, by written agreement, request that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the district remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and
 - (b) Ensures the participation of parents and the district or public agency representative.
- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the district or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The district or public agency terminates the placement of students in a private school or preschool if ~~ODE~~the Oregon Department of Education suspends, revokes or refuses to renew the approval of a private school or preschool.
 - (a) The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services:
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
 - (b) The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
 - (c) The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.

2. Out-of-State Placements for Special Education

- a. The district ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The district maintains documentation of such approval and makes it available to ~~ODE~~the Oregon Department of Education (ODE) upon request.
- c. The district makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the district has:

- (1) Developed an individualized education program;
- (2) The placement team has determined that no appropriate in-state placement options are available.

3. District Responsibility for Students Enrolled by their Parents in Private Schools

- a. The district provides equitable services, funded by a proportionate share of federal special education funds, for resident and nonresident students with disabilities enrolled by their parents in private schools located within district boundaries. Nonresident students include children who are residents of another state.
- b. The district consults with private school officials about procedures and services and provides child find activities, evaluations, reevaluations and eligibility determinations comparable to those provided for the district's public schools.
- c. The district maintains in its records and provides annually to the Oregon Department of Education, a count of the number of parentally-enrolled private school students evaluated, the number found eligible and the number to whom it provides services.

4. Consultation with Representatives of Private School Students with Disabilities

- a. The district consults, in a timely and meaningful way with representatives of private schools and parents of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
- b. Consultation includes:
 - (1) The child find process, including:
 - (a) How parentally-placed private school children with disabilities may participate equitably, as they do not have an individual entitlement to the same level of special education services as children enrolled in public schools; and in the child find process and how parents, teachers and private school officials will be informed of the process;
 - (b) How parents, teachers and private school officials will be informed of the process;
 - (c) How, where and by whom the special education and related services will be provided;
 - (d) The determination of the proportionate amount of federal funds available including how the amount is calculated, the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this is calculated;
 - (e) How services will be apportioned if funds are insufficient, and how and when these decisions will be made;
 - (f) A written explanation of service decisions that the district provides to officials of private schools if the district disagrees with the views of the private school officials about the services to be provided or the methods of providing these services.
- c. Written affirmation and complaint:
 - (1) The district requests a written affirmation, signed by the administrator of each private school participating in the consultation process that a timely and meaningful consultation occurred;

- (2) If private school officials do not provide this affirmation within a reasonable period of time, the district forwards its documentation of the consultation process to the ~~ODE; Oregon Department of Education (ODE);~~
 - (3) The district maintains documentation of its consultation process;
 - (4) The district acknowledges the right of a private school official to submit a complaint to the ~~Oregon Department of Education (ODE)~~ regarding the district's implementation of these requirements. Should such a complaint occur, the district forwards to ODE appropriate documentation, including documentation of the district's consultation process.
- d. The district makes the final decisions with respect to the services to be provided to eligible private school students.
 - e. Child Find for Parentally-Placed Private School Children:
 - (1) The district's child find process includes all resident and nonresident parentally placed students attending private schools located within the district's boundaries.
 - (2) The district provides child find activities that are similar to, and completed within a comparable time period as child find activities for students in the district's public schools.
 - (3) The district consults with private school representatives and parents about how to implement the child find activities and how to keep parents and private school personnel informed.
 - (4) The district ensures the equitable participation of parentally placed private school students in the child find process.
 - (5) The district does not include the cost of conducting child find activities for private school students, including individual evaluations in determining whether it has spent a proportionate share of its federal ~~Individuals with Disabilities Education Act (IDEA)~~ IDEA funds on parentally placed private school students with disabilities.
 - (6) The district ensures an accurate count of these children is made between October 1 and December 1 of each year and uses this count in determining the amount the district spends for services in the subsequent fiscal year.
5. Provisions for serving students placed by their parents in private schools:
- a. District decisions about the services that are provided to private school students with disabilities are made throughout the consultation process and in accordance with the district's plan for service of parentally-placed private school students and their services plans.
 - b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing service in the district program.
 - c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
 - d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
 - e. If a parent of a private school student with a disability requests an IEP meeting from the resident district, the resident district will either:

- (1) Hold an IEP meeting within a reasonable time; or
- (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.

6. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities

- a. The district conducts evaluations, reevaluations and eligibility determinations, in accordance with federal and state laws and regulations, for both resident and nonresident students enrolled by their parents in private schools located within district boundaries.
- b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.
- c. The district in which the private school is located reevaluates private school students with disabilities at least every three years to determine whether the student continues to be eligible for special education, whether the student is or is not currently receiving services under a services plan.
- d. If parents who enroll a student in a private school at their own expense do not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district does not use due process procedures to override the lack of consent. The district does not, and is not required to, consider the child as eligible for special education services in these cases.
- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Following an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a district program, and conducts a meeting to develop, review or revise the student's services plan.
- g. If the parent does not choose to remove the child from private school to enroll in a district public school, the district initiates and conducts a meeting to develop, review or revise the student's services plan, consistent with the procedures for IEP meetings and timeline and in light of the service provision the district has determined through the consultation process.
- h. The district in which the private school is located does not release evaluation and eligibility determination information or other personally identifiable information to the student's resident district without written parental consent, unless parents seek enrollment in the student's resident district and the resident district requests records.

7. Service Plans

- a. If a student with a disability is enrolled by a parent in a private school the district offers a services plan.
- b. The district ensures that the services plan describes the specific special education and related services the district will provide to the student in light of the services that have been determined through the consultation process.
- c. The district convenes individual meetings to develop, review and revise the services plan consistent with procedures for IEP team membership, parent participation and IEP content, to the extent appropriate.

- d. The district ensures that a representative of the private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls.
- e. The district is not required to provide transportation from the student's home to the private school. ~~except in the following circumstances:~~

If necessary for the student to benefit from or participate in the services provided by the district, ~~the district must provide public agency, a private school student with a disability will be provided~~ transportation:

- (1) From the student's school or the student's home to a site other than the private school; and
- (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

8. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
 - (1) Are used only for implementation of special education activities; and
 - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district removes equipment and supplies from a private school if:
 - (1) The equipment and supplies are no longer needed for special education activities, programs or services; or
 - (2) The district determines removal is necessary to avoid unauthorized use of the equipment and supplies.
- e. The district does not use IDEA funds for repairs, minor remodeling or construction of private school facilities.

9. Separate Classes Prohibited

The district does not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

- a. The classes are at the same site; and
- b. The classes include students enrolled in public school programs and students enrolled in private schools.

10. Funds and Property Not to Benefit Private Schools

- a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
 - (1) The needs of a private school; or
 - (2) The general needs of the students enrolled in the private school.

11. Use of School Personnel

- a. The district may use IDEA funds to make public school personnel available in other than public facilities:
 - (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
 - (2) If those services are not normally provided by the private school.
- b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
 - (1) The employee performs the services outside of their~~his/her~~ regular hours of duty; and
 - (2) The employee performs the services under public supervision and control.

12. Federal Funds Available for Services

- a. The district calculates a proportionate share of federal funds available to provide special education and related services to private school students with disabilities using the formula specified in the ~~IDEA, Individuals with Disabilities Act (IDEA).~~
- b. If the district does not expend the proportionate share of funds by the end of the fiscal year, the district obligates the remaining funds to be used in the following year.
- c. ~~Maintenance of Effort.~~ The district does not include child find expenditures in determining whether the district has met its expenditure requirements for parentally placed private school students, but may include the cost of transportation required for students to access required special education services.
- d. The district does not supplant the proportionate amount of federal funds required to be expended for parentally placed private school students.

Winston-Dillard School District 116

Code: IGBAJ
Adopted: 4/8/09
Revised/Readopted: 4/20/11; 1/15/14; 12/13/17;
9/12/18
Orig. Code(s): IGBAJ

OK

Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they are advancing from grade-to-grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)
[OAR 581-015-2020](#)

[OAR 581-015-2035](#)
[OAR 581-015-2040 - 2065](#)
[OAR 581-015-2050](#)
[OAR 581-015-2075](#)
[OAR 581-015-2530](#)

[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, 300.300 (2017).

Winston-Dillard School District 116

Code: IGBAJ-AR
Revised/Reviewed: 2/6/08; 4/20/11; 4/18/12;
9/11/13; 12/13/17
Orig. Code(s): IGBAJ-AR

OK

Special Education - Free Appropriate Public Education (FAPE)**

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school ~~or modified~~ diploma is no longer entitled to FAPE.
- b. The district provides prior written notice in a reasonable time before a student with a disability, graduates with a regular high school ~~or modified~~ diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school ~~or modified~~ diploma.
- d. Graduation with an alternative document:

- (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.

- (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
 - e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular ~~or modified~~ diploma.
- 4. Incarcerated Youth
 - a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
 - b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
 - c. The district's provisions of FAPE ~~do~~ does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements 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.
 - (3) 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. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.

- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with Oregon Administrative Rule (OAR) 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services onsite at a district public charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of-district public charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and
 - (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the IDEA are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a FAPE;
- d. Are enrolled in the district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

- a. A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.
- b. With regard to services required to provide FAPE to a child with disabilities under IDEA, a district:
 - (1) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
 - (2) May not use the child's benefits under a public insurance program if that use would:
 - (a) Decrease available lifetime coverage or any other insurance benefit;
 - (b) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
 - (c) Increase premiums or lead to the discontinuation of insurance; or

- (3) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**
- c. Prior to accessing a student’s or parent’s public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student’s parents and must obtain written consent¹ that:
 - (1) States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
 - (2) States the purpose of the disclosure (e.g. billing for services under IDEA);
 - (3) Names the agency to which the disclosure may be made (e.g. Medicaid);
 - (4) Specifies that the parent understands and agrees that the public agency may access the parent’s or student’s public benefits or insurance to pay for services under IDEA;
 - (5) Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
 - (6) Acknowledges the district may not use the student’s benefits under a public insurance program, if that use would:
 - (a) Decrease available lifetime coverage of any other insured benefit;
 - (b) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (c) Increase premiums or lead to the discontinuation of insurance; or
 - (d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

¹ “Consent” means that the parent or adult student a) has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which their consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

Winston-Dillard School District 116

OK

Code: IGBAK
Adopted: 2/6/08
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBAK

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the district's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement the district does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the district implements policies, procedures and programs for special education, consistent with state and federal requirements;
 - b. Performance of students with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of district programs for special education, including the timeliness and accuracy of required data submissions;
 - d. District achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, district information about:
 - (1) Identifying the excess costs of educating students with disabilities;
 - (2) Maintaining the financial support for programs and services for students with disabilities (Maintenance of Effort (MOE));
 - (3) Describing available schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or the Every Student Succeeds Act of 2015 (ESSA);
 - (4) Documenting the annual district application for IDEA funds; and
 - (5) Reporting of official audits, complaints and due process hearings.
 - f. District dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 34 C.F.R. 300.212 (2017).
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 1413, 1418 (2012).

Winston-Dillard School District 116

ok

Code: IGBAL
Adopted: 11/16/05
Readopted: 4/20/11
Orig. Code(s): IGBAL

Special Education - Services for Home-Schooled Students with Disabilities**

If the district receives notice that a parent intends to home school a student with a disability, the district will offer an opportunity for an individualized education program (IEP) meeting to consider providing special education and related services in conjunction with home schooling and will provide written notice to the parent that a free appropriate public education will be provided if the student enrolls in the district. This notice shall be provided annually as long as:

1. The student remains eligible for special education; and
2. The student is exempt from compulsory education as a home-schooled student; and
3. The student is not receiving special education and related services from the district.

END OF POLICY

Legal Reference(s):

[ORS 339.020](#)
[ORS 339.030](#)
[ORS 339.035](#)
[ORS 343.165](#)

[OAR 581-015-2080](#)
[OAR 581-015-2130 to 2190](#)
[OAR 581-015-2210](#)
[OAR 581-015-2310](#)

[OAR 581-015-2315](#)
[OAR 581-021-0026 to -0029](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2006).

Winston-Dillard School District 116

OK

Code: IGBAL-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAL-AR

Special Education - Services for Home-Schooled Students with Disabilities**

Home Schooling for Students with Disabilities

1. As soon as the district learns of the parent's intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent that it stands ready to provide a free appropriate public education if the student enrolls in the district.
2. The district offers and documents to the parent an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
3. ~~The~~This district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - a. The student remains eligible for special education;
 - b. The student is exempt from compulsory education as a home-schooled student; and
 - c. The student is not receiving special education and related services from the district.
4. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
5. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - a. The student's parent shall be treated as both parent and regular education teacher of the student unless the parent designates another individual as the regular education teacher;
 - b. Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - c. The IEP will state how "satisfactory educational progress" will be determined for the student. A parent may use a privately developed plan (PDP) to determine satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.

6. The district ensures that:
 - a. Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent and the district, and not more than once a year unless the parent and district agree otherwise;
 - b. If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available;
 - c. If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.

Testing and Reporting Requirements

1. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - a. Completes the assessment; and
 - b. Provides the parent with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age and disability.
2. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent.

Child Find

1. If the district suspects that a home-schooled student has a disability, the district:
 - a. Obtains parent consent for initial evaluation; and
 - b. Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
2. If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.
3. If the parent refuses consent, does not respond or refuses to make the student available, the district documents to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.

School Enrollment

1. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.

2. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.

Winston-Dillard School District 116

Code: IGBB
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 10/12/22
Orig. Code(s): IGBB

ok

Talented and Gifted Program and/or Services**

The district is committed to an educational program that recognizes, identifies and serves the unique strengths and needs of students identified as talented and gifted students. Talented and gifted students demonstrate exceptional performance when compared to applicable developmental ~~are those who have been identified as academically talented and/or learning progressions,~~ with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability ~~intellectually gifted.~~

The Board directs the superintendent to develop a ~~process for written~~ identification of ~~process for identifying academically talented and intellectually gifted~~ students in grades K through 12. (See Board policy IGBBA – Talented and Gifted Students – Identification**)

~~A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students and provides an opportunity for the student's parents to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available to the student.~~

~~The district will develop a written plan of instruction for talented and gifted students~~ in accordance with law. ~~that:~~

- ~~1. Includes a statement of the district policy on the education of talented and gifted students (this policy);~~
- ~~2. Identifies and assesses special talented and gifted programs and services available in the district;~~
- ~~3. States goals related to providing such programs and services, including timelines for achievement;~~
- ~~4. Describes the programs and services intended to accomplish stated goals;~~
- ~~5. Describes how the district provides parents an opportunity to discuss and to provide input on programs and services for their child;~~
- ~~6. Describes how the district will evaluate progress of the plan; and~~
- ~~7. States the name and contact information for the district's talented and gifted coordinator.¹~~

~~The district shall submit such plan to the Oregon Department of Education (ODE) as directed.~~

¹ For the list of complete requirements of the plan, see ORS 343.397(1).

The plan will be provided at the school or the district office, when requested, and will be published on the district's website. The district website shall also provide the name and contact information of the district's coordinator of special education and programs for talented and gifted. The district will annually report the name and contact information of the district's TAG coordinator to ODE.

The district may also identify and provide programs for students who demonstrate outstanding ability or potential in creative abilities; in using original or nontraditional methods in thinking and producing; leadership abilities; in motivating the performance of others in educational or noneducational settings; or unusual abilities in visual or performing arts and/or ability in the visual or performing arts, such as dance, music or art.

Complaints regarding programs and/or services can be filed in accordance with the procedure in the accompanying administrative regulation, IGBB-AR - Complaints Regarding the Talented and Gifted Program and/or Services.

END OF POLICY

Legal Reference(s):

ORS 343.391 - 343.401	OAR 581-022-2325	OAR 581-022-2370
ORS 343.407 - 343.413	OAR 581-022-2330	OAR 581-022-2500

Winston-Dillard School District 116

Code: IGBB-AR
Revised/Reviewed: 10/12/22
Orig. Code(s): IGBB-AR

ok

Complaints Regarding the Talented and Gifted Program and/or Services

The following procedure will be utilized when complaints arise regarding the district's talented and gifted programs and services ("TAG").

All complaints regarding TAG will be reported to the superintendent. A form is available, but not required. The superintendent may use the form to document and gather relevant information.

1. Upon receipt of a TAG complaint, the superintendent shall arrange for a review committee consisting of the TAG coordinator/teacher, the program supervisor, a counselor and a school psychologist.
2. The review committee shall meet within five working days of when the complaint was received and review all pertinent information. ~~A recommendation from the review committee will be submitted to the superintendent within 10 working days of receiving the original complaint.~~

The review committee may recommend that:

- a. The programs or services are appropriate; or
- b. The programs or services are not appropriate.

~~A recommendation from the review committee will be submitted to the superintendent within 10 working days of receiving the original complaint.~~

The superintendent shall review the committee's recommendation and make a decision. ~~The superintendent's decision will issue a decision within 10 working days of receiving the recommendation.~~

3. If dissatisfied with the superintendent's decision, the complainant may submit an appeal to the Board within five working days of receiving the decision. The Board will review the findings and conclusion to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.

If the complainant, who is a student, a parent or guardian of a student who attends school in the district or a person who resides in the district, remains dissatisfied and has exhausted local procedures, may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

Timelines may be extended upon written agreement between the district and the complainant.

¹ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Winston-Dillard School District
620 Elwood St, Winston, OR 97496

TALENTED AND GIFTED PROGRAM AND/OR SERVICES COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

2. What is the district currently doing? _____

3. In your opinion, in what way is this situation a violation of state standards?

4. What do you feel the district should be doing? _____

5. Other pertinent comments _____

Signature: _____

Winston-Dillard School District 116

ok

Code: IGBBA
Adopted: 4/20/11
Revised/Readopted: 7/13/16; 10/09/19; 10/12/22
Orig. Code(s): IGBBA

Talented and Gifted Students - Identification**

In order to serve talented and gifted (“TAG”) students in grades K through 12, the district directs the superintendent after due consideration of the input of staff, parents and the community to establish an identification process.

This process of identification shall include at a minimum:

1. Use of evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of TAG students under ORS 343.395.
2. Collection and use of multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student’s identification team to make a determination about the identification and eligibility of the students for TAG services, supports and/or programs; with no single test or piece of evidence eliminating a student from eligibility.
3. Use of methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:
 - a. Students who are racially/ethnically diverse;
 - b. Students experiencing disability;
 - c. Students who are culturally and/or linguistically diverse;
 - d. Students experiencing poverty; and
 - e. Students experiencing high mobility.
4. Incorporate assessments, tools and procedures that will inform the development of an appropriate plan of instruction for students who are identified as TAG and describe how information from the assessments, tools and procedures used in the identification for TAG students will be used to support development of the plan of instruction.
5. Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team’s decision and the procedures and data used by the team to make the decision.

The district will provide professional development for staff assigned the responsibility for identification of talented and gifted students.

The identification team may use sources of evidence described in OAR 581-022-2325(3) to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness.

Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon’s content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of TAG identification. Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations

When a student is identified for TAG, the district shall inform parents of the programs and services available to their student and provide an opportunity for parents to provide input to, and discuss TAG instruction proposed for their student. The instruction provided shall be designed to accommodate the student’s assessed levels of learning and accelerated rates of learning. Parents may request the withdrawal of their student from TAG at any time.

If a parent is dissatisfied with the identification process or placement of their student, they may submit an appeal through Board policy KL - Public Complaints ~~and~~ or the accompanying administrative regulation, IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement**.

After exhausting the district’s appeal procedure and receiving the district’s final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)
[ORS 343.407](#)
[ORS 343.409](#)

[ORS 343.411](#)
[OAR 581-021-0030](#)
[OAR 581-022-2325](#)

[OAR 581-022-2330](#)
[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Winston-Dillard School District 116

Code: IGBBA-AR
Revised/Reviewed: 4/20/11; 7/13/16; 10/12/22
Orig. Code(s): IGBBA-AR

OK

Appeal Procedure for Talented and Gifted Student Identification and Placement**

The Board has established an appeal process for a parent to utilize if they are dissatisfied with the identification process and/or placement of their student in the district program for talented and gifted (TAG) students, and wish to request reconsideration. The district's desire and intent is to reach satisfactory solutions during the informal process:

Informal Process

1. A parent will contact the district's TAG coordinator to request reconsideration.
2. The TAG coordinator will confer or meet with the parent, and may include any additional appropriate persons (e.g., principal, counselor, teacher, etc.), within five working days of the request. Information pertinent to the selection or placement will be shared.
3. If an agreement cannot be reached, the parent may initiate the Formal Process.

Formal Process

1. A parent shall submit a written request for reconsideration of the identification and/or placement to the program supervisor within five working days of the conference identified above.
2. The program supervisor shall acknowledge in writing the receipt of the request within five working days and shall forward copies of the request and acknowledgment to the TAG coordinator.
3. The program supervisor, TAG coordinator and other appropriate administrator shall review the student's file and earlier decisions within 10 working days of the original request presented in the previous step. Additional data may be gathered to support or change the earlier decision. The parent may be provided an opportunity to present additional evidence.

If deemed necessary, a formal hearing will be conducted by the district hearings officer utilizing the appropriate procedures.

4. A decision will be made by the program supervisor within 20 working days after receipt of the written request for reconsideration from the parent. The parent shall be notified of the decision in writing and the decision shall be forwarded to the superintendent.
5. The decision may be appealed to the Board through Board policy KL – Public Complaints and may begin at Step 3.
6. If the parent is still dissatisfied, the parent may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

Winston-Dillard School District 116

DELETE

Code: IGBBC
Adopted: 4/20/11
Revised/Readopted: 12/13/17; 10/09/19
Orig. Code(s): IGBBC

Talented and Gifted – Programs and Services**

(This policy language was reorganized and merged into policy IGBB and IGBB A as appropriate; this is no longer relevant. See policy IGBB.)

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student's access to appropriate services and will develop program and service options.

The Board has established an appeal process for a parent or guardian to utilize if they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in administrative regulation IGBB A-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement.

The Board has established a complaint procedure to utilize if a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted. This complaint procedure, KL AR - Complaints, is available at the district's administrative office and on the home page of the district's website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

T

E

Winston-Dillard School District 116

DELETE

Code: IGBBC-AR
Revised/Reviewed: 4/20/11; 12/13/17
Orig. Code(s): IGBBC-AR

D

Complaints Regarding the Talented and Gifted Program

(See IGBB-AR. This is no longer needed.)

The following procedure will be utilized when complaints arise regarding the district's talented and gifted programs and services ("TAG")

All complaints regarding TAG will be reported to the superintendent. The complainant will be given the Talented and Gifted Standards Complaint Form which must be filled out and submitted to the superintendent's office before further consideration can be given to the complaint;

1. Upon receipt of a TAG complaint, the superintendent shall arrange for a review committee consisting of the TAG coordinator/teacher, the program supervisor.
2. The review committee shall meet within [two] working days of when the superintendent received the written complaint and review all pertinent information. A recommendation from the review committee will be submitted to the superintendent within 10 school days of receiving the original complaint.

The review committee may recommend that:

- a. The programs or services are appropriate; or
- b. The programs or services are not appropriate.

The superintendent shall report immediately the recommendations of the review committee to the Board at the next regularly scheduled Board meeting;

3. After consideration of the recommendations, if any, issued by the review committee, the Board will make a decision, and issue a decision within 20 school days of the Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.
4. If the complainant, who is a student, is a parent or guardian of a student who attends school in the district or is a person who resides in the district, remains dissatisfied and has exhausted local procedures, an appeal may be filed with the Deputy Superintendent of Public Instruction and is subject to the appeal procedure identified in Oregon Administrative Rule (OAR) 581-002-0040. The district shall provide a copy of the appropriate OAR upon request.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the superintendent or designee.¹

¹ The timelines may be extended upon written agreement between both parties.

TALENTED AND GIFTED STANDARDS COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

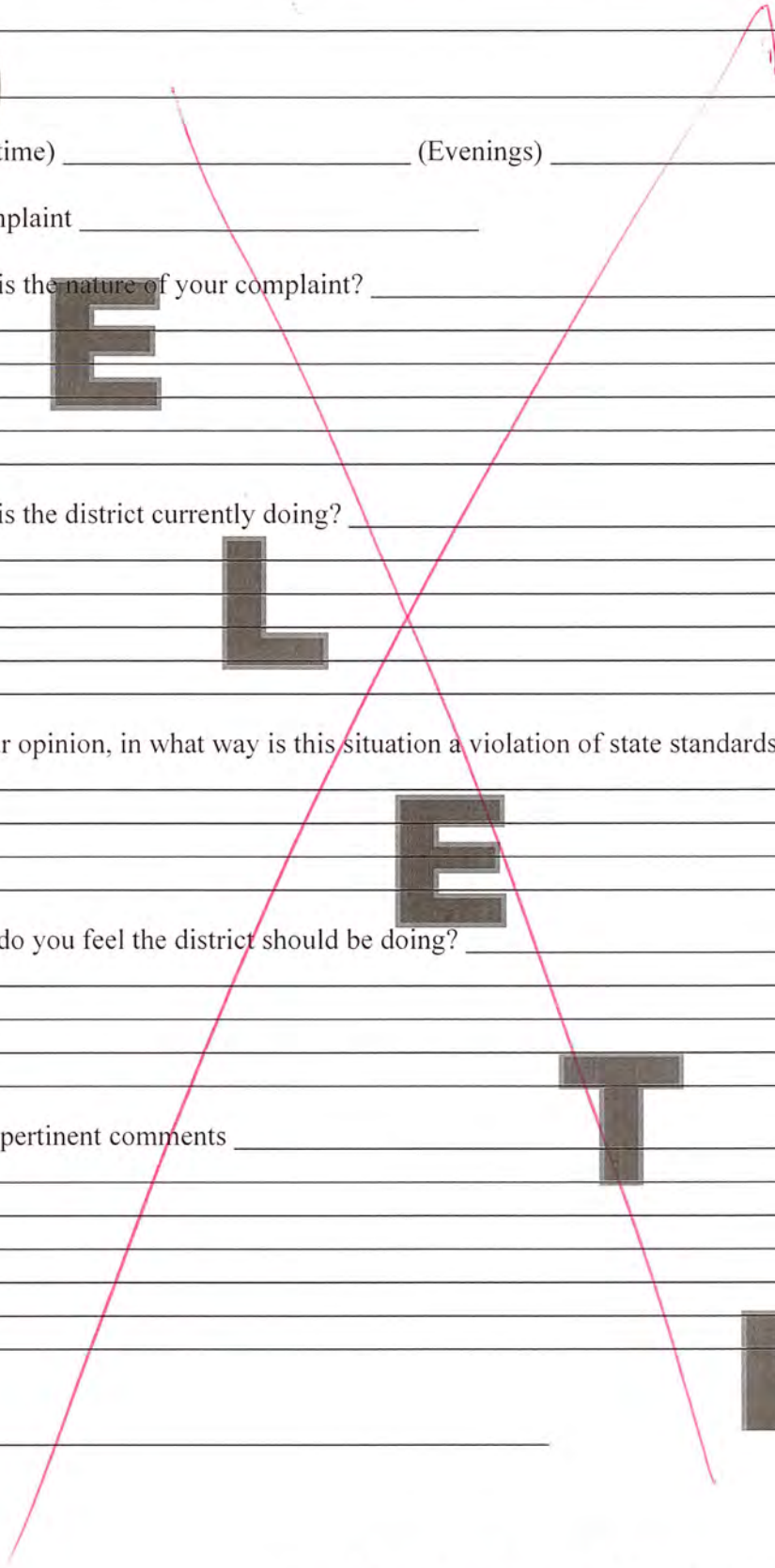
2. What is the district currently doing? _____

3. In your opinion, in what way is this situation a violation of state standards? _____

4. What do you feel the district should be doing? _____

5. Other pertinent comments _____

Signature: _____



Winston-Dillard School District 116

ok

Code: IGBC
Adopted: 11/08/06
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBC

Title IA/Parental and Family Involvement**

The Board recognizes that parental and family involvement is vital to achieve maximum educational growth for students participating in the district's Title IA program. Therefore, in compliance with federal law and the Oregon Department of Education guidelines, the district shall meet with parents and family to provide information regarding their school's participation in the Title IA program and its requirements.

The Board directs the superintendent to ensure that such meetings are held annually, and at a convenient time. All parents and family of participating students shall be invited to attend. Title IA funds may be provided for transportation, child care, home visits or other parental involvement services, as appropriate. The superintendent shall ensure equivalence among schools in teachers, administration and other staff and in the provisions of curriculum materials and instructional supplies.

Parents and family shall be informed of their right to be involved in the development of the district's parental and family engagement policy, Title IA district and school plans and the school-parent compacts.

Parental and Family Engagement Policy

A parental and family engagement policy shall be developed jointly, agreed upon with and distributed to parents and family of participating students. The district shall ensure:

1. Involvement of parents and family members in the joint development of the district's overall Title IA plan, and the development of support and improvement plans.
2. Coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance.
3. Development of activities that promote the schools' and parents' and family capacity for strong parent involvement.
4. Coordination and integration of parent and family engagement strategies with appropriate programs as provided by law.
5. Involvement of parents and family in the annual evaluation of the content and effectiveness of the policy, in improving the academic quality of schools served under Title IA.
6. Identification of barriers to participation by parents in activities who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority.

7. Findings of annual evaluations are used to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the requirements of this policy.
8. Involvement of parents in the activities of schools served under Title IA.

District Title IA Plan

The district's Title IA plan shall ensure that all children receive a high quality education and to close the achievement gaps between children meeting the challenging state academic standards and those children who are not meeting such standards. As a part of the district's overall Title IA plan, the district shall ensure effective involvement of parents and family by promoting activities that support a partnership among the schools, parents, family and the community, and that promotes the improvement of student achievement. The district plan shall describe:

1. How the district will monitor progress in meeting state academic content standards.
2. How the district will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced or out-of-field teachers.
3. How the district will use effective parental involvement practices.
4. The poverty criteria to select school attendance areas for participation.
5. The services provided in both schoolwide and in targeted assisted schools, and educational services outside of those schools as appropriate (e.g., children living in local institutions or a community day school program).
6. The services provided to ~~homeless~~ children and youth **experiencing houselessness**.
7. Effective parent and family engagement strategies used by the district.
8. If applicable, how the district will support, coordinate and integrate services with early childhood education programs including transition to local elementary schools.
9. In consultation with parents, administrators, specialized instructional support personnel, how the district will select the most eligible students in need of services in targeted assisted schools.
10. How the district will implement strategies to facilitate effective transitions of students from middle school to high school, and from high school to post-secondary education.
11. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom.
12. If appropriate, how the district supports programs that coordinate and integrate academic and career technical education, including but not limited to, work-based learning opportunities.
13. Any other information on how the district proposes to use funds to meet the purpose of the Title IA program as the district determines appropriate.

Title IA School Plan

Each Title IA school in the district shall jointly develop a plan and distribute the plan to parents and family members of participating children that:

1. Describes the convening of an annual meeting to inform parents and family members of their school's participation in Title IA and explain the requirements of Title IA.
2. Involves parents and family members in the planning, review and improvement of programs under Title IA.
3. Shall provide assistance to parents of students served by the school in understanding such topics as the State's academic standards and state student academic achievement standards, Title IA plan requirements, state and local academic assessments and how to monitor a student's progress and work with educators to improve the achievement of their student.
4. Shall provide materials and training to help parents work with their student to improve their student's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
5. Shall educate teachers, student services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school.
6. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State and local programs, including public preschool programs and other programs that encourage and support parents in fully participating in the education of their children.
7. Shall ensure, to the extent practicable, that information related to school and parent programs, meetings and other activities is sent to the parents of participating students in a format and language the parents can understand.
8. May involve parents in the development of training of teachers, principals and other educators to improve the effectiveness of such training.
9. May provide necessary literacy training from Title IA funds received if the district has exhausted all other reasonably available sources of funding for such training.
10. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and childcare costs, to enable parents to participate in school-related activities, (i.e., meetings and training sessions).
11. May train and support parents to enhance the involvement of other parents.
12. May arrange school meetings at a variety of times or conduct in-home conferences between teachers or other educators in order to maximize parental involvement and participation.

13. May establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in Title IA programs.
14. May develop appropriate roles for community-based organizations and businesses in parental involvement activities.
15. May adopt and implement model approaches to improving parental involvement.
16. Shall provide such other reasonable support for parental involvement activities consistent with Title IA requirements, as parents may request.

School-Parent Compact

A school-parent compact shall be developed for each of the district's Title IA schools. The compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables students to meet the State's academic achievement standards.
2. Describe the ways in which each parent will be responsible for supporting their student's learning.
3. Address the importance of ongoing communication between teachers and parents through:
 - a. Annual parent-teacher conferences at the elementary school level; and
 - b. Frequent reporting to parents on their student's progress.

The district shall provide opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students, to volunteer and participate in their student's class and observe classroom activities. Information and school reports, to the extent practicable, will be provided in a language parents and family members can understand.

The district's policy, plan and compact shall be reviewed annually and updated periodically to meet the changing needs of parents and the schools, and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

END OF POLICY

Legal Reference(s):

[ORS 343.650](#)

[ORS 343.660](#)

[OAR 581-037-0005 to -0025](#)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6312, 6318 (2012).

Winston-Dillard School District 116

REVIEW

Code:
Adopted:

IGBG

Homebound Instruction

Instruction will be provided to any student whose health or impairment will, as substantiated by a physician's statement, cause the student to be absent from school for at least [10] consecutive school days and who can benefit educationally from such instruction.

The amount of instructional service provided will be related to each student's educational needs and physical and mental health.

END OF POLICY

Legal Reference(s):

[ORS 336.615 to -336.665](#)
[ORS 339.030](#)

[OAR 581-021-0071](#)
[OAR 581-022-2000](#)

[OAR 581-022-2030](#)
[OAR 581-022-2505](#)

Winston-Dillard School District 116

OK

Code: GCQABIGBG-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code: GCQAB-AR

Tutoring for Pay: Home Bound Services

Students may become eligible for home-bound services as part of their educational program while enrolled as students in the district. To provide home-bound service for district-enrolled students, the district shall follow procedures in obtaining and providing qualified home bound tutors.

1. The superintendent shall seek interested and qualified home-bound tutors. All home-bound tutors shall maintain a valid Oregon Teacher or Substitute Teacher license.
2. For home-bound tutors employed as teachers under the collective bargaining agreement, the district shall include this salary with other district paid salaries and shall pay all benefits occurring to teachers covered by the collective bargaining agreement, the district shall pay only the stated salary.
3. The district shall pay mileage to the home-bound tutor at the current IRS business rate for the round trip mileage between the least of the following locations and the locations at which the home-bound student receives tutoring services:
 - a. Tutor's home to student location where tutoring is provided;
 - b. School location where tutor is employed to student location where tutoring service is provided;
 - c. One way from school location and one way from tutor's residence to student location where tutoring service is provided, if tutor starts and ends at the district school where he or she is employed.

Winston-Dillard School District 116

Code: IGBHA
Adopted: 6/22/05
Readopted: 4/20/11; 2/09/22
Orig. Code(s): IGBHA

OK

Alternative Education Programs**

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for Board approval, and in the development of related Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-2505. The superintendent will develop administrative regulations as necessary to evaluate the district’s alternative education programs.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. A private alternative education program shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in state law and rules, and federal law, as applicable.

Students, after consultation with a parent or guardian, may be placed in an alternative education program if the district determines that the placement serves the student’s educational needs and interests, and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual cost of an alternative education program or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. When contracting with a private alternative education program, the district’s contract will meet the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.014](#)

[ORS 336.175](#)
[ORS 336.615 - 336.665](#)
[ORS 339.030](#)

[ORS 339.250](#)
[OAR 581-021-0045](#)

[OAR 581-021-0065](#)

[OAR 581-021-0070](#)

[OAR 581-021-0071](#)

[OAR 581-022-2320](#)

[OAR 581-022-2505](#)

[OAR 581-023-0006](#)

[OAR 581-023-0008](#)