



BETHEL SCHOOL BOARD MEETING

Hybrid Meeting hosted from **Powers Auditorium at Willamette High School – 1801 Echo Hollow Road**

Monday, February 28, 2022 - 6:30 p.m.

Zoom information will be posted on Bethel School District's website by noon on Monday, February 28, 2022

Join Zoom Webinar:

<https://bethel-k12-or-us.zoom.us/j/81340394168?pwd=WEtxZ3JhaDI2enhEVTJnSjloanV3UT09>

Passcode: bethelsd

Or

Phone number to listen: 1-253-215-8782

Webinar ID: 813 4039 4168

Passcode: 44036315

AGENDA

1. Call to Order

Debi Farr, Chair

2. Pledge of Allegiance

3. Approval of Minutes

4. Student Representative Reports: KHS and WHS

5. Delegations and Visitors

Public comment will be taken either in-person, via Zoom Webinar, or in writing and will be limited to thirty minutes. To sign up for public comment via Zoom Webinar, please complete [this form](#) by noon the day of the Board Meeting. Written comments can be submitted to publiccomment@bethel.k12.or.us. Board members will have access to written public comments submitted by noon the day of the Board Meeting.

6. Superintendent's Report

- A. Transfer Update: Alisha Dodds
- B. Mask Mandate Discussion
- C. Superintendent's Update
- D.

7. Consent Agenda

Personnel Action

Resolution No. 33

8. Action Items

- A. Adopt Policies EBBB, GBL, IGBAF-AR, IGBAG-AR, and IGBB Resolution No. 34
- B. Approve Transfer Caps for the 2022-2023 School Year Resolution No. 35
- C. Approve Inter-District Transfer Caps for the 2022-2023 School Year Resolution No. 36
- D. 2022-2023 Employee Contracts
- E.

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BOARD OF DIRECTORS

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9. Information and Discussion

- A. NSBA Annual Conference, April 2-4, San Diego
- B.

10. Board Activity Update

- A.

11. Review of Next Meeting: Monday, March 14, 2022

- A. Student Representative Reports: KHS and WHS
- B. Financial Statement: Simon Levear
- C. Superintendent's Update
- D. Board Policies Up for Periodic Review
- E.

12. Adjournment

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
JANUARY 24, 2022

The January 24, 2022 meeting of the Board of Directors was held in-person for public comment and was open virtually to the public via Zoom Webinar for the duration of the meeting. Board members and district office staff were in-person.

ATTENDANCE

Board Members: Greg Nelson, Ashley Espinoza, Rich Cunningham, Caleb Clark, Paul Jorgensen, Robin Zygaitis, and Chair, Debi Farr

Absent: None

Directors Nelson and Espinoza, and Student Representative Olivia Harris joined the meeting via Zoom Webinar.

District staff and presenters: Superintendent Sproles, Remie Calalang, Student Representative Olivia Harris, Alisha Dodds, and Jill Busby

CALL TO ORDER

Chair Farr called the January 24, 2022 meeting of the Board of Directors to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Cunningham led the Pledge of Allegiance.

ACTION ON MINUTES

Chair Farr presented the Minutes from the January 10, 2022 Board Meeting and the January 13, 2022 Special Board Meeting and asked for additions or corrections. Hearing none, the Board approved both sets of Minutes as submitted.

DELEGATIONS AND VISITORS

Community Relations and Communications Director Alisha Dodds reported that no written public comment was submitted.

Christine Atkinson

Bethel parent Christine Atkinson provided in-person public comment expressing concern with the practice of moving students who are failing in math on to the next course. Ms. Atkinson requested that the District allow students to repeat a course if they request to do so.

Liz Killam

Bethel parent Liz Killam provided public comment via Zoom Webinar expressing continued frustration with public access to Board information on the District's website and requested that the District update the website to make the information more easily accessible.

EXECUTIVE SESSION PER ORS 192.660(2)(d)

Chair Farr moved the Board into Executive Session at 6:44 p.m. to discuss labor negotiations.

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BOARD OF DIRECTORS
JANUARY 24, 2022

RETURN TO REGULAR SESSION

Chair Farr returned the Board to Regular Session at 7:06 p.m.

SUPERINTENDENT'S REPORT

Oregon School Board Appreciation Proclamation

Superintendent Sproles thanked the Board for their dedication to the District, read a proclamation recognizing Oregon school board members for volunteering to fulfill leadership roles, and shared a video of Bethel elementary students answering questions and thanking the Board for their service. The Oregon School Boards Association set aside January 2022 to be School Board Recognition Month in Oregon.

Oath of Office, WHS Student Representative to the Board: Olivia Harris

Superintendent Sproles welcomed Olivia Harris. Olivia took the oath and was officially sworn in by Chair Farr as Student Representative to the Board of Directors for the 2021-22 school year.

WHS Student Representative Report, Olivia Harris

Olivia reported on Willamette athletics and shared that there has been a lot of school spirit at the games. The girls' basketball team is currently #1 in the state. Auditions are being held for Xanadu, the upcoming school musical, and students are preparing to transition to 2nd semester. A robotics tournament was held at Willamette on Saturday, the jazz band recently performed at the Hult Center, and the speech and debate team has a tournament in Monmouth this coming Saturday. Olivia also shared a description of the Black Student Union group and recent activities in which the group has participated, and reported on a peer-tutoring program.

KHS Student Representative Report, Stephen Kinkade

Stephen was not in attendance at the meeting.

Chair Farr introduced Senator James Manning Jr. who was in the audience. Senator Manning shared happenings in the Oregon State Legislature and presented a plaque thanking the Board for outstanding education support. The plaque was presented to the Board on behalf of Oregon Black Education Foundation honoring Senator Manning's wife, Lawanda Joyce Manning, who passed away last year. The Board thanked Senator Manning for the recognition and the beautiful plaque.

Budget Committee Interviews, Positions 1, 2, and 5

Chair Farr welcomed Senator James Manning Jr., Alan Laisure, and Erin Zygaitis, and thanked them for their interest in the Budget Committee. Each candidate answered question #2 from the 2022-23 budget committee interview questions document, which had been provided to candidates prior to the meeting. Senator Manning and Alan Laisure were in-person and Erin Zygaitis participated via Zoom Webinar.

Annual Audit Report, Simon Levear and Larry Grant

Superintendent Sproles thanked Certified Public Accountant Larry Grant from Grove, Mueller & Swank, P.C. for joining the meeting and presenting the Annual Audit Report. Business Services Director Simon Levear was unable to attend the meeting. Mr. Grant reviewed the Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2021, and the Auditor's Report, which states that financial statements present fairly the financial position of the District and are in accordance with accounting principles generally accepted in the

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United States of America. Mr. Grant also referred to the governance letter dated December 30, 2021, and reviewed misstatements from the prior year that were corrected this year.

Superintendent Sproles and Mr. Grant commended Business Services Director Simon Levear and Business Services staff for their work to complete the audit.

Financial Statement, Simon Levear

In Business Services Director Simon Levear's absence, Superintendent Sproles reviewed the December 2021 financial statement showing an estimated Ending Fund Balance of \$9,268,193.

2021 Oregon Teacher of the Year Activities Update, Nicole Butler-Hooton

Superintendent Sproles introduced District Mentor Nicole Butler-Hooton who was recognized as 2021 Oregon Teacher of the Year. Ms. Butler-Hooton shared highlights from a recent trip to Washington DC where 2021 teachers of the year from all 50 states were honored and celebrated. In addition, Ms. Butler-Hooton summarized other activities and events in which she has participated during the past year, including a presentation for state employees during National Native American Heritage Month, an Oregon Education Association interview, a teacher of the year professional development trip to Indianapolis, and work she is doing with other native educators through the Kennedy Center and the First Peoples Fund. The Board congratulated Ms. Butler-Hooton for her accomplishments and thanked her for the opportunities she provides students.

Bethel Health Center Vaccine Clinic Summary, Brooke Cottle

Bethel Health Center Director Brooke Cottle provided an overview of the District's partnership with Lane County Public Health as COVID-19 vaccines became available in January 2021, the process established to operate Bethel's large-scale vaccine clinics, and the necessary staff and community partners who assisted with the clinics. Ms. Cottle described how Bethel's vaccination clinics evolved throughout the pandemic, including the addition of pediatric clinics. Overall Bethel administered 5,933 COVID-19 vaccines. Additionally, Ms. Cottle reviewed the current Test to Stay program and ongoing community partnerships for COVID-19 vaccines. The Board thanked Ms. Cottle and the Bethel Health Team for their efforts operating the vaccine clinics.

2020-21 Graduation Rates, Kee Zublin, Stefan Aumack, and Dan Hedberg

Director of Teaching and Learning for Secondary Kee Zublin reported that the District's 84.2% graduation rate is higher than it has ever been. Mr. Zublin reviewed historical graduation rates for the District and Willamette, and shared a district comparability report that includes other local districts' 2020-21 four-year graduation rates. Willamette Principal Dan Hedberg shared statistical data related to the impact of CTE on Willamette's graduation rate, and reviewed focal group graduation rates and support systems in place for student success at Willamette. Kalapuya Principal Stefan Aumack reviewed Kalapuya's 4-year and 5-year graduation rates, commented on Kalapuya's 5-year completer rate, shared information about student engagement at Kalapuya, and expressed appreciation for the District's investment in Kalapuya. The Board expressed pride in the graduation rates at both Willamette and Kalapuya and thanked Mr. Zublin, Mr. Hedberg, and Mr. Aumack for their strong leadership and the impact to students.

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Superintendent’s Update

Superintendent Sproles reported on staff and student absences during the current COVID-19 Omicron surge and shared how the District has centered supports in classrooms with students to keep schools open. At this time, the District has not had to shut down a school or move to temporary distance learning.

CONSENT AGENDA

Resolution No. 26 – Personnel Action

Motion: Paul Jorgensen moved, Rich Cunningham seconded, to approve the Consent Agenda as specified below.

#	Name	Type	Description
1.	Barnes, Matthew	Hire for 2021-22	Offer Extra Duty Contracts for Learning Coach & Leadership Advisor @Willamette.
2.	Castellanos Ramos, Josh	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Willamette.
3.	Chapin, Karlie	Temporary Hire for 2021-22	Offer Temporary Contract for .5 FTE Electives Teacher @Shasta; Replaces: Courtney Thielen; Start date: 1/12/2022.
4.	Hatch, Joy	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Willamette.
5.	Jensen, Jaclyn	Additional Temporary Hours for 2021-22	Offer Temporary Contract for additional .5 FTE Math Teacher @Willamette; Total: 1.0 FTE; Start Date: 2/7/2022.
6.	Morfin-Ramirez, Vanessa	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Clear Lake.
7.	Myers, Mike	Hire for 2021-22	Offer Extra Duty Contract for Chess Club Advisor @Willamette.
8.	O’Neil, Daniel	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Clear Lake.
9.	Page, Miranda	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Willamette.
10.	Schuck, Rachel	Hire for 2021-22	Offer Extra Duty Contract for Yearbook Advisor @Prairie Mountain.

Motion Passed, 7-0

Absent: None

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ACTION ITEMS

Resolution No. 27 – Budget Committee Appointments, Positions 1, 2, and 5

Motion: Rich Cunningham moved, Ashley Espinoza seconded, to appoint James Manning, Jr., Erin Zygaitis, and Alan Laisure to the Budget Committee, positions 1, 2, and 5 respectively. Director Zygaitis clarified that Erin Zygaitis is her sister.

Motion Passed, 7-0

Absent: None

Resolution No. 28 – Adopt Policies JECB and KGB

Motion: Rich Cunningham moved, Caleb Clark seconded, to adopt the following Board Policies, as amended:
JECB – Admission of Nonresident Students
KGB – Public Conduct on District Property (Amended #19 to “Bring, possess or use a weapon as prohibited by **local**, state, or federal law;”)

Motion Passed, 7-0

Absent: None

INFORMATION AND DISCUSSION

- A. NSBA Annual Conference, April 2-4, San Diego
- B. Vice Chair Cunningham shared that Lane Council of Governments (LCOG) will meet this coming Thursday night and that it is his understanding the agency will soon be accepting nominations for the annual LCOG awards.

BOARD ACTIVITY UPDATE

None

REVIEW OF NEXT MEETING: MONDAY, FEBRUARY 14, 2022

- A. Student Representative Reports, KHS and WHS
- B. 2021-23 Lane ESD Local Service Plan Year Two, Tony Scurto
- C. Financial Statement, Simon Levear
- D. Superintendent’s Update
- E. Board Policies Up for Periodic Review

ADJOURNMENT

There being no further business to bring before the Board, Chair Farr adjourned the meeting at 9:31 p.m.

Clerk – Kraig Sproles
jcb

Chair – Debi Farr

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February 28, 2022

RESOLUTION NO. 21-22: 33

RESOLUTION: CONSENT AGENDA/PERSONNEL ACTION

The Board of Directors, School District No. 52, Lane County, approves personnel action involving licensed employees and extra duty contracts at each regularly scheduled School Board meeting. If the Board of Directors would like to discuss any of these recommendations in executive session, the employee should be identified by the number preceding the name and it will be withdrawn pending further instruction from the Board. Remie Calalang is available for questions.

RECOMMENDATION:

It is recommended that the School Board approve the Consent Agenda as reflected in this resolution and any addendum presented along with this resolution.

#	Name	Type	Description
1.	Chappell, Deanna	Resignation	Accept Resignation effective at the end of the 2021-22 school year; Position Held: School Counselor @Willamette; 1 year at Bethel.

Recommended by: Remie Calalang, Assistant Superintendent

ATTEST _____
 Clerk – Kraig Sproles

 Chair – Debi Farr

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				

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February 28, 2022

RESOLUTION NO. 21-22: 34

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby adopts the following Board Policies and Administrative Rules:

- EBBB:** **Injury/Illness Reports**
- GBL:** **Personnel Records**
- IGBAF-AR:** **Special Education – Individualized Education Plan (IEP)**
- IGBAG-AR:** **Special Education – Procedural Safeguards**
- IGBB:** **Talented and Gifted Program**

ATTEST _____
 Clerk – Kraig Sproles

 Chair – Debi Farr

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				
Rich Cunningham				

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Injury/Illness Reports

Policy Number: EBBB Effective Date: 2/2022

Date of Original Policy and Revisions: 1/14, 3/18

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 2/2025

POLICY

All injuries/illnesses sustained by an employee while in the actual performance of the duty of the employee occurring on District premises, in District vehicles, at a District-sponsored activity or involving staff members who may be elsewhere on District business will be reported immediately to a supervisor. All accidents involving students, visiting public or District property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the safety officer shall inform the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the District of an illness or injury. Fatalities or catastrophes³ shall be reported to OSHA within eight hours.

ALL injuries/illnesses sustained by an employee, while in the actual performance of the duty of the employee or by a student or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

The District safety officer will maintain records and reports on serious injuries/illnesses, including accidents involving District property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the District, as well as on the measures being taken to prevent such injuries/illnesses in the future.

The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the Superintendent or designee for review annually.

END OF POLICY

Legal Reference(s): Legal Reference(s):

[OAR 437-001-0015](#)

[OAR 437-001-0700](#)

[OAR 437-001-0760](#)

[OAR 581-022-1420](#)

[HB 3045](#) (2013)

¹An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

²Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health-care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

³A catastrophe is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

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BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Personnel Records

Policy Number: GBL Effective Date: 2/2022

Date of Original Policy and Revisions: 3/14, 5/18, 11/20

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 2/2025

POLICY

An official personnel file will be established for each person employed by the District. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The Superintendent or designee will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the personnel office to inspect the contents of their personnel file on any day the personnel office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The Superintendent and members of the central administrative staff designated by the Superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the District or the District's designated representative on matters of District business;

¹ Includes former employees.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the District, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The District may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teachers Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
11. Upon request from a prospective employer or a former employee, authorized District officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The Superintendent or designee may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The Superintendent or designee will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with Board Policy KBA – Public Records.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

Legal Reference(s):

ORS 30.178	ORS 342.143	ORS Chapter 659A
ORS 339.370 - 339-374	ORS 342.850	OAR 581-022-2405
ORS 339.378	ORS 652.750	
ORS 339.388	ORS Chapter 659	

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

IGBAF. SPECIAL EDUCATION – INDIVIDUALIZED EDUCATION PLAN (IEP)

Adopted: 1/2020, 2/2022

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 general 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 guardian(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 guardians agreed to make between annual reviews.

The District takes whatever action is necessary to ensure that guardians understand the proceedings of the IEP team meeting, including arranging for an interpreter for guardians with deafness or whose home language is other than English.
- g. The District provides a copy of the IEP to the guardians 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 guardian(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the District and the guardian(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.

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Administrative Rule

- e. When the guardian(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 guardian(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 general education teachers if the student is or may be participating in the general education environment. If the student has more than one general 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 guardian 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 guardian 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 ESD, 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 guardian 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

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Administrative Rule

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 guardian and the District consent in writing to the excusal;
- (2) The team member submits written input to the guardians and other members of the IEP team before the meeting; and
- (3) The guardian is informed of all information related to the excusal in the guardian's home 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 guardian'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 guardians;
- (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.

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Administrative Rule

- (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or District wide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or District wide assessment because of a disability unless the guardian requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular state or District assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the District will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the District and the guardian 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 guardian.

- a. The District and the guardian 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 guardian prior written notice of any changes in the IEP and, upon request, provides the guardian with a revised copy of the IEP with the changes incorporated.

7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the guardian 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:

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- (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 guardian(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.
 - (i) Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule 441-345-0020. Information about these services shall also be provided to the parent by the District at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).
- (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the District has informed the student that all procedural rights will transfer at the age of majority; and
- (3) If identified transition service providers, other than the District, fail to provide any of the services identified on the IEP, the District will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.

e. To promote self-determination and independence, the District shall provide the student and the student's guardians 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

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this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

8. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

9. Extended School Year Services

- a. The District makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide a free appropriate public education (FAPE).
- 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 guardian.
- 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.

9. 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

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student needs access to those devices to receive a free appropriate public education. In these situations, District policy will govern liability and transfer of the device when the student ceases to attend the District.

10. 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 guardians) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the District either:

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

b. Out of state:

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

- (1) Conducts an initial evaluation (if determined necessary by the District to determine Oregon eligibility) with guardian consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
- (2) If the student is eligible under Oregon criteria, the District develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the District provides prior written notice to the guardians explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

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IGBAG. SPECIAL EDUCATION – PROCEDURAL SAFEGUARDS
Adopted: 1/2018, 9/2018, 2/2022

1. Procedural Safeguard

- 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/guardians a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent/guardian (or adult student) requests a copy;
 - (4) To the parent/guardian and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents/guardians (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/guardian 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/guardian in his/her native language or other mode of communication;
 - (b) The parent/guardian 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 *Notice of Procedural Safeguards* published by the Oregon Department of Education.

3. Parent/Guardian or Adult Student Meeting Participation

- a. The District provides parents/guardians 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/guardians 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/guardians or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents/guardians or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent/guardian or adult students who to contact before the meeting to provide information if they are unable to attend; and

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- (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/guardians 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/guardians 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/guardian 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/guardian or adult student if the District provided meeting notice to the parent/guardian 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/guardian or adult student if the District is unable to convince the parents/guardians or adult students that they should participate. Attempts to convince the parent/guardian to participate will be considered sufficient if the District:
 - (1) Communicates directly with the parent/guardian 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/guardian 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/guardians and any responses received; and
 - (3) Detailed records of visits made to the parents'/guardians' home or place of employment and the results of those visits.
- h. The District takes whatever action is necessary to ensure that the parent/guardian or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents/guardians 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/guardian, if the parent/guardian can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent/guardian 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 school 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/guardian proposal that will be discussed at a later meeting.

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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/guardian 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/guardian 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 the Oregon Department of Education;
 - (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 a free appropriate public education to the student.
- g. A parent/guardian may give written consent for a surrogate to be appointed.
 - (1) When a parent/guardian requests that a surrogate be appointed, the parent/guardian 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/guardian request, the District will continue to provide to the parent/guardian 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/guardian revokes consent for the surrogate's appointment.
 - (3) If a parent/guardian gives written consent for a surrogate to be appointed, the parent/guardian 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

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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/guardian, 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 school 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/guardian 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/guardians 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/guardian 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/guardian 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/guardian if the parent/guardian can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent/guardian to attend the meeting unless invited by the student or the District.

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- g. To promote self-determination and independence, the District shall provide the student and the student's guardians 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/guardian 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 free, appropriate public education to the child; or
 - 2. Refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education 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 refusal;
 - 4. A statement that the parents/guardians 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/guardians 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/guardian or other mode of communication used by the parent/guardian, unless it is clearly not feasible to do so;
 - 3. If the home language or other mode of communication of the parent/guardian 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/guardian in the parent's/guardian's home language or other mode of communication;
 - (b) The parent/guardian 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/guardian 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.

¹“Consent” means that the parent/guardian or adult student: a) has been fully informed, in his/her 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 his/her consent is sought. Consent is voluntary on the part of the parent/guardian and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

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- b. The District makes reasonable efforts to obtain informed consent from a parent/guardian for an initial evaluation to determine a child's eligibility for special education services. If a parent/guardian does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the school 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/guardian 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/guardian 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/guardian or adult student later consents.

9. Consent – Reevaluation

- a. The District obtains informed parent/guardian consent before conducting any reevaluation of a child with a disability, except:
 - (1) The District does not need written consent for a reevaluation, if, after reasonable efforts to obtain informed consent, the parent/guardian does not respond. However, the District does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent/guardian refuses to consent to the reevaluation, the District may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures.
- b. A parent/guardian or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent/guardian or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The District documents its reasonable efforts to obtain parent/guardian consent, such as phone calls, letters and meeting notes.
- b. If a parent/guardian of a student who is home schooled or enrolled by the parents/guardians in a private school does not provide consent for the initial evaluation or the reevaluation, or if the parent/guardian 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/guardian or adult student refuses consent for one service or activity, the District does not use this refusal to deny the parent/guardian 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/guardian 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;

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- (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/guardian or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or reevaluation;
 - (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/guardians 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/guardian consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent/guardian if:
 - (1) Despite reasonable efforts to do so, the District has not been able to find the parent/guardian;
 - (2) The parent/guardian's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent/guardian 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 reevaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent/guardian of a student with a disability has a right to an independent educational evaluation at public expense if the parent/guardian disagrees with an evaluation obtained by the school District.
- b. If a parent/guardian requests an independent educational evaluation at public expense, the District provides information to parents/guardians about where an independent educational evaluation may be obtained, and the District criteria applicable for independent educational evaluations.
- c. If a parent/guardian 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/guardian 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/guardian's access to an independent educational evaluation.

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- (2) The District provides the parents/guardians the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the District's criteria.
 - (3) A parent/guardian may be limited to one independent educational evaluation at public expense each time the District conducts an evaluation with which the parent/guardian disagrees.
- e. If a parent/guardian requests an independent educational evaluation, the District may ask why the parent/guardian disagrees with the public evaluation. The parent/guardian 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/guardian, 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/guardian 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/guardian'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/guardian and a representative of the school 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 school district or ESD is violating or has violated the Individuals with Disabilities Education Act or associated regulations within one year before the date of the complaint. Upon receiving a parent/guardian complaint, the Oregon Department of Education (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.

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Administrative Rule

- 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/guardians 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/guardian 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/guardian 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/guardian 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/guardians 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/guardian brings an attorney.

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Administrative Rule

- (2) The District will provide the parent/guardian with an opportunity for the parent/guardian to discuss the hearing request and related facts so that the District has an opportunity to resolve the dispute.
- (3) The District and parent/guardian 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/guardian agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

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

18. Hearing Costs

- a. The District reimburses the Oregon Department of Education (ODE) for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The District provides the parent/guardian with a written or, at the option of the parent/guardian, 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 Disabled Students.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: **Talented and Gifted Program**

Policy Number: **IGBB** Effective Date: **2/2022**

Date of Original Policy and Revisions: **3/92, 5/95, 2/00, 2/07, 12/09, 11/13, 5/17**

Cancels Policy No.: _____ Dated: _____

Date of Next Review: **2/2025**

POLICY

The District is committed to providing an educational program that recognizes and serves the unique needs of all students, including those identified as talented and gifted (TAG) in accordance with state law. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The Board directs the Superintendent to develop a written identification process for identifying academically talented and intellectually gifted students in grades K through 12.

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

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

Legal Reference(s):

[ORS 343.391-343.401](#)

[ORS 343.407-343.413](#)

[OAR 581-022-2325](#)

[OAR 581-022-2330](#)

[OAR 581-022-2500](#)

SB 486 (2021)

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February 28, 2022

RESOLUTION NO. 21-22: 35

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby opens the following grade-level bands to out-of-district students transferring into the District in 2022-2023 under the provisions of Bethel Board Policy JECB.

The following grade-level bands are open to out-of-district students in 2022-2023:

Grade-Level Band	Schools open to new out-of-district students for 2022-2023	Grade-level bands open to new out-of-district students for 2022-2023
Elementary Level (K-5th Grade)	Clear Lake Elementary School Danebo Elementary School Fairfield Elementary School Irving Elementary School Malabon Elementary School Meadow View K-8 School Prairie Mountain K-8 School	At kindergarten through 5 th grade Bethel will welcome enrollment to new out-of-district students through the transfer process to a maximum of 268 students .
Middle Level (6th-8th Grade)	Cascade Middle School Shasta Middle School Meadow View K-8 School Prairie Mountain K-8 School	At 6 th through 8 th grade Bethel will welcome enrollment to new out-of-district students through the transfer process to a maximum of 175 students .
High School Level (9th & 10th Grade)	Willamette High School	At 9 th and 10 th grades Bethel will welcome enrollment to new out-of-district students through the transfer process to a maximum of 50 students .

This resolution allows for the enrollment of additional students at nearly every grade level and the majority of schools in Bethel School District. Actual enrollment numbers and available space at each grade level and school may vary.

District and school acceptance of individual students will follow Policy JECB.

ATTEST _____

Clerk – Kraig Sproles

Chair – Debi Farr

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaits				
Rich Cunningham				

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February 28, 2022

RESOLUTION NO. 21-22: 36

BE IT RESOLVED, That the Board of Directors, School District No. 52, Lane County, hereby approves the following numbers of students seeking consent for Inter-District Transfers from Bethel School District to other Districts in school year 2022-2023 under the provisions of Bethel Board Policy JECB:

Grade-Level Band	Number of Bethel students receiving consent for Inter-District Transfers to other school districts in 2022-2023
Elementary Level (K-5 th Grade)	75 students
Middle Level (6 th -8 th Grade)	40 students
High School Level (9 th -12 th Grade)	35 students

This resolution provides consent for Inter-District Transfers at all grade levels. District approval of individual student transfer requests will follow Policy JECB.

ATTEST _____

Clerk – Kraig Sproles

Chair – Debi Farr

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaits				
Rich Cunningham				