



**Revised: 8:16 a.m. 8/24/2018**

**BETHEL SCHOOL BOARD MEETING**

District Office – 4640 Barger Drive

Monday, August 27, 2018

6:30 p.m.

**Executive Session per ORS 192.660(2)(d) – Labor Negotiations – Toward the beginning of the meeting.**  
*At the end of the Executive Session, the Board will call the Regular Session to order and open to the public.*

**AGENDA**

1. **Call to Order** **Debi Farr, Chair**
2. **Pledge of Allegiance** **Paul Jorgensen, Vice Chair**
3. **Approval of Minutes**
4. **The Board will meet in Executive Session per ORS 192.660(2)(d) to discuss labor negotiations.**
5. **Return to Regular Session**
6. **Superintendent's Report**
  - A. Urban Growth Boundary, Pat McGillivray
  - B. Legislative and School Finance Update
  - C. Policy & Administrative Rule Update, 1<sup>st</sup> Reading
    - a. IGBA – Students with Disabilities – Child Identification Procedures – *Updated to reflect new language*
    - b. IGBA-AR – Special Education – Procedural Safeguards – *Updated to reflect new language*
    - c. IGBAH – Special Education – Evaluation Procedures – *Updated to reflect new language*
    - d. IGBAJ – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*
    - e. IGBAJ-AR – Special Education – Free Appropriate Public Education (FAPE) – *Updated to reflect new language*
    - f. IKF – Graduation Requirements – *Updated to reflect new language*
    - g. IKF-AR – Graduation Requirements – *Updated to reflect new language*
  - D.
7. **Delegations and Visitors**
8. **Consent Agenda**

Personnel Action Resolution No. 6
9. **Action Items**
  - A. Adopt 2018-2019 School Board Priorities/Goals Resolution No. 7
  - B. Adopt Policies/ARs: IGBA, IGBAE, IGBAE-AR, IGBAI, IGBAI-AR Resolution No. 8
  - C.

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**10. Information and Discussion**

- A. Welcome Back Ceremony, Tuesday, August 28, 8am Refreshments, 9am Start, Powers Auditorium
- B. OSBA lodging reservations open September 10 – RSVP to Jill no later than September 7
- C. OBEF 4<sup>th</sup> Annual Scholarship Dinner, Thursday, September 13, 5:30pm, NWCU Community Room
- D. OSBA Fall Regional Meeting, September 13, 5pm Roundtable/6pm Dinner/6:30pm Meeting, Lane ESD
- E. BEF Breakfast at Bethel, Friday, October 12, 7am - 8am, Meadow View School
- F. OSBA Annual Convention, November 8-11, Portland Marriott Downtown Waterfront
- G.

**11. Board Activity Update**

- A.

**12. Review of Next Meeting: Monday, September 10, 2018**

- A. School is Open – Highlights from Principals
- B. Bond Work Recap, Pat McGillivray and Jason Betterley
- C. Approve Transfer Caps for 2018-19
- D. Fiscal Year 2018 Financial Statement, Simon Levear
- E. Legislative & School Finance Update
- F. Board Policies Up for Periodic Review
- G.

**13. Adjournment**

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

Subject: Students with Disabilities – Child Identification Procedures

Policy Number: IGBA Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 11/09, 5/12, 6/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 1/2021

**POLICY**

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 or special education services. For preschool children, the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Early Childhood CARES is responsible for determining the eligibility of children for Early Intervention/Early Childhood Special Education (EI/ECSE) services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; 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 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 by 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 or modified diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated, 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.

**REPORTS**

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

None.

**ATTACHMENTS**

None.

**END OF POLICY**

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**REFERENCES / COMMENTS**

[ORS 332.075](#)  
[ORS 338.165](#)  
[ORS 339.115 to-137](#)  
[ORS 343.151](#)  
[ORS 343.157](#)  
[ORS 343.193](#)  
[ORS 343.221](#)  
[ORS 343.517](#)  
[ORS 343.533](#)

[OAR 581-015-2040](#)  
[OAR 581-015-2045](#)  
[OAR 581-015-2080](#)  
[OAR 581-015-2085](#)  
[OAR 581-015-2190](#)  
[OAR 581-015-2195](#)  
[OAR 581-015-2315](#)  
[OAR 581-015-2480](#)  
[OAR 581-021-0029](#)  
[OAR 581-022-2315](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (2017).  
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).  
[Bethel Administrative Rule IGBA: Students with Disabilities – Child Identification Procedures](#)

**IGBAG. SPECIAL EDUCATION – PROCEDURAL SAFEGUARDS**  
**Adopted: 1/2018**

**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 student shall retain all rights to receive notice and all of the information provided to the surrogate.

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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 ~~or modified~~ 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.



**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 native 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 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 requirements of this rule have been met.

**7. Consent<sup>1</sup> – 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.
- 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

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<sup>1</sup>“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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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;
  - (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.

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**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.
  - (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.

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- 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.
- 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.

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- 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.
  - (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.

**Bethel School District #52**  
**Administrative Rule**

**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: Special Education – Evaluation Procedures

Policy Number: IGBAH Effective Date: 1/2018

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 6/12, 6/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 1/2021

**POLICY**

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 migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they 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; ~~or~~ who are not enrolled in a public or private school program; ~~or~~ and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular ~~or~~ modified high school diploma and have not completed the school year in which they reach their 21st birthday.

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 reevaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent 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 reevaluation before:

1. Determining that a child has a disability;

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

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 or modified 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 reevaluations:

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

The district does not conduct reevaluation 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.

**REPORTS**

None.

**ATTACHMENTS**

None.



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

**END OF POLICY**

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**REFERENCES / COMMENTS**

**Legal Reference(s):**

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

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

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

[Bethel Administrative Rule IGBAH: Special Education – Evaluation Procedures](#)

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

Subject: Special Education – Free Appropriate Public Education (FAPE)

Policy Number: IGBAJ Effective Date 1/2018

Date of Original Policy and Revisions: 2/08, 5/09, 6/12, 6/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 1/2021

**POLICY**

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 ~~have not failed or have not been retained in a course or grade~~ or are advancing from grade to grade;
  - b. Who have not graduated with a regular ~~or modified~~ 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, including resident children enrolled in district charter schools.
4. 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.
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.

**REPORTS**

None.

**ATTACHMENTS**

None.

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

**END OF POLICY**

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**REFERENCES / COMMENTS**

[ORS 338.165](#)

[ORS 339.115](#)

[ORS 343.085](#)

[ORS 343.224](#)

[OAR 581-015-2020](#)

[OAR 581-015-2035](#)

[OAR 581-015-2040 to-2065](#)

[OAR 581-015-2050](#)

[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 (2006).

[Bethel Administrative Rule IGBAJ: Special Education – Free Appropriate Public Education \(FAPE\)](#)

**Bethel School District #52**  
**Administrative Rule**

**IGBAJ. SPECIAL EDUCATION - FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**  
**Adopted: 1/2018**

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students, including students enrolled in public charter schools located in the district with disabilities, except 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 ~~or modified~~ high school diploma is no longer entitled to FAPE.
- b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular ~~or modified~~ high school diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular ~~or modified~~ high school 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.

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**Administrative Rule**

- 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 ~~does~~ **do** 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 resident children with disabilities attending charter schools sponsored by 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 students, 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

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information received was in effect in a previous district in another state, the district will implement the IEP with OAR 581-015-2330(2).

- c. The district provides supplementary and related services on site at a district 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 charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district 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 is no longer 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 schools; 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 for 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 evaluate 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 Individuals with Disabilities Education Act (IDEA) are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;

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**Administrative Rule**

- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education;
- d. Are enrolled in the district.

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

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.

With regard to services required to provide FAPE to a student with disabilities under IDEA, the district:

- a. May not require a parent to sign up for or enroll in public insurance programs in order for their student with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. Will not use the student's benefits under a public insurance if that use would:
  - (1) Decrease available lifetime coverage or any other insured benefit;
  - (2) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
  - (3) Increase premiums or lead to the discontinuation of insurance; or
  - (4) Risk the loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures; and

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 consent that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. 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;
- e. 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
- f. Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:
  - 1. Decrease available lifetime coverage or any other insured benefit;
  - 2. Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside the time the student is in school;
  - 3. Increase premiums or lead to the discontinuation of insurance; or
  - 4. Risk the 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.



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**Administrative Rule**

- 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

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

Subject: Graduation Requirements

Policy Number: IKF Effective Date: 5/2018

Date of Original Policy and Revisions: 6/09, 10/12, 1/14, 10/16, 1/18

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

Date of Next Review: 5/2021

**POLICY**

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if they are 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child<sup>1</sup>;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that other district or public charter school<sup>2</sup>.

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

**Essential Skills**

The district will allow English Language Learner (ELL) students to demonstrate proficiency in the Essential Skills of Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year are:

1. On track to meet all other graduation requirements; and
2. Unable to demonstrate proficiency in the Essential Skills in English.

The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply

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<sup>1</sup>As defined in ORS 30.297.

<sup>2</sup>For a high school diploma awarded on or after January 1, 2018.

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

Mathematics, in a variety of settings, in the student's language of origin for those ELL students who by the end of high school ~~their 11th grade year:~~

1. Are on track to meet all other graduation requirements;
2. Are unable to demonstrate proficiency in the Essential Skills in English;
3. Have been enrolled in a U.S. school for five years or less; and
4. Receives at least a level 3 (Intermediate) on the English Language Proficiency Assessment (ELPA)<sup>3</sup>.

<sup>4</sup>The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

The district may not deny a student, who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded. A student who is emancipated or has reached the age of 18 at the time the modified diploma or the extended diploma is awarded may sign the consent.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

Beginning in grade five when a student is taking an alternative assessment or after a documented history to qualify for a modified diploma, extended diploma or an alternative certificate has been established, the district will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma and an alternative certificate.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives an extended diploma or an alternative certificate shall have access to individually designed instructional hours, hours of transition services and hours of other services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school,

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<sup>3</sup>This criteria does not apply to students seeking a diploma in 2017-2018.

<sup>4</sup>~~[This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skill of Apply Mathematics and other courses.]~~

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

as determined by the individualized education program (IEP) team.

A student who ~~has qualified to receive~~ a modified diploma ~~but has not yet been awarded the modified diploma~~ shall continue to have access to individually designed instructional hours, hours of transition services, and hours of other services that are designed to meet the unique needs of the student.<sup>5</sup>

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified by grade five of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted-out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

The district will issue a high school diploma, upon request, and pursuant to Oregon law (ORS 332.114) to a person who served in the Armed Forces<sup>6</sup>, and the person was discharged or released under honorable conditions.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

**REPORTS**

None.

**ATTACHMENTS**

None.

**END OF POLICY**

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<sup>5</sup>A student who received a modified diploma prior to July 1, 2018 shall continue to have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

<sup>6</sup>The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
  - a. World War I;
  - b. World War II;
  - c. The Korean Conflict; or
  - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
  - a. Operation Urgent Fury (Grenada);
  - b. Operation Just Cause (Panama);
  - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
  - d. Operation Restore Hope (Somalia);
  - e. Operation Enduring Freedom (Afghanistan); or
  - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.

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

**REFERENCES / COMMENTS**

**Legal Reference(s):**

[ORS 329.045](#)  
[ORS 329.095](#)  
[ORS 329.451](#)  
[ORS 329.479](#)  
[ORS 332.107](#)  
[ORS 332.114](#)  
[ORS 339.115](#)  
[ORS 339.505](#)  
[ORS 343.295](#)  
[OAR 581-022-1910](#)  
[OAR 581-022-2115](#)  
[OAR 581-022-2120](#)  
[OAR 581-022 2000](#)  
[OAR 581-022 2025](#)  
[OAR 581-022-2015](#)  
[OAR 581-022 2010](#)  
[OAR 581-022-2020](#)  
[OAR 581-022-2030](#)  
[OAR 581-022-2505](#)

~~TEST ADMINISTRATION MANUAL, APPENDIX L REQUIREMENTS FOR ASSESSMENT OF ESSENTIAL SKILLS:~~

*Test Administration Manual*, published by the OREGON DEPARTMENT OF EDUCATION (2017-18).

*Essential Skills and Local Performance Assessment Manual*, published by the OREGON DEPARTMENT OF EDUCATION (JANUARY 22, 2018).

[Bethel Administrative Rule IKF: Graduation Requirements](#)

**IKF. GRADUATION REQUIREMENTS**

**Adopted:**

**BETHEL DIPLOMA**

Students graduating from a Bethel high school must earn the following credits.

Subject	Requirements
English Language Arts	4
Math (Algebra I level and above)	3
Science	3
Social Sciences	3
Health	1
Physical Education	1
Personal Finance / Economics*	0.5
Arts/World Language/Career & Technical Education**	3
Electives	5.5
<b>Total Credits</b>	<b>24</b>
*Personal Finance is required at Willamette High School. At Kalapuya High School, students may take Personal Finance or Economics. **In any combination.	

Courses that satisfy these requirements are listed in the high school curriculum guide.

To receive a diploma, in addition to credit requirements as outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of Reading, Writing and Apply Mathematics;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences outlined in the education plan.

The district will allow English Language Learner (ELL) students to demonstrate proficiency in the Essential Skill of Apply Mathematics, in a variety of settings, in the student’s language of origin for those students who by the end of their 11<sup>th</sup> grade year are:

1. On track to meet all other graduation requirements; and
2. Unable to demonstrate proficiency in the Essential Skills in English.

**Bethel School District #52**  
**Administrative Rule**

The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics, in a variety of settings, in a student’s language of origin for those students who by the end of their 11<sup>th</sup> grade year:

1. Are on track to meet all other graduation requirements;
2. Are unable to demonstrate proficiency in the Essential Skills in English;
3. Have been enrolled in a U.S. school for five years or less; and
4. Receives at least a proficient on the English Language Proficiency Assessment (ELPA 21).

The district will as appropriate and available develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student’s language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student’s language of origin are scored by a qualified rater.

**Essential Skills Appeal**

A student or parent/guardian who wishes to appeal the denial of a diploma based on failure to meet the essential skill requirements will follow this process:

1. Contact the principal of the student’s school and submit an appeal in writing by June 1.
2. The principal shall discuss the issue with the complainant, evaluate the evidence and render a decision within 10 working days of receiving the written appeal.
3. If the principal affirms the decision to withhold the student’s diploma, the complainant may submit an appeal to the Superintendent within five working days of the principal’s decision. The Superintendent or designee shall meet with the complainant, evaluate the evidence, and render a decision within 10 working days after receiving the appeal.
4. The appeal process allows that:
  - a. The time limits stated may be extended by mutual agreement of the complainant and the administration.
  - b. The complainant may withdraw an appeal at any time.
  - c. All decisions shall be in writing and include supporting rationale. Copies of all decisions and recommendations shall be furnished promptly to all parties of interest.

**HONORS DIPLOMA**

This is a special diploma awarded at graduation by Willamette High School to recognize those students who take a more rigorous course of study that will better prepare them for success in college. Students receiving an Honors Diploma must meet the following requirements:

<b>Subject</b>	<b>Requirements</b>
English Language Arts*	4
Math*	4
Science*	4
Social Science*	4
Health	1
Physical Education	1
Second Language **	3



**Bethel School District #52  
Administrative Rule**

Personal Finance	0.5
Electives	6.5
Total	28
*core classes ** 3 credits in one language or 2 credits in each of two languages	
Students who earn an International Baccalaureate diploma will automatically have completed the requirements for an Honors Diploma.	

Students earning the Honors Diploma must also meet all of the requirements of the Regular Diploma in the areas of:

1. Essential Skills
2. Educational Plan and Profile
3. Participate in career related learning experiences
4. Earn a minimum 3.5 GPA and a minimum grade of C in core classes
5. Complete at least 2 advanced courses (year long)

In addition, students earning an Honors Diploma must complete 150 hours of community service. These hours:

1. May be completed over the four years of high school
2. Must be voluntary, non-curriculum based, and non-paid
3. Must benefit the school, local or global community

**MODIFIED DIPLOMA**

The district shall award a modified diploma only to students who have fulfilled all state requirements below and have demonstrated the inability to meet the full set of academic content standards for a high school diploma, even with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must have a documented history of:

- An inability to maintain grade level achievement due to significant learning barriers; or
- A medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 hour credits which shall include:

Subject	Requirements
English Language Arts	3
Mathematics	2
Science	2
Social Science	2
Health Education	1

**Bethel School District #52  
Administrative Rule**

Physical Education	1
Personal Finance*	0.5
Career Technical Education/The Arts/ World Language	1
Additional units of credit as specified in the Education plan of the student	11.5
<b>Total</b>	<b>24</b>
<p>All courses must contain substantial academic content, although they may be modified to meet the student’s specific needs. *Personal Finance is a district requirement and students can apply for a waiver from school administration.</p>	

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

- a. For a student on an Individual Education Program (IEP), any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct, or measured outcome of an assessment. This means that the IEP or school teams responsible for approving modifications for a student’s assessment may adjust the administration of the assessment and/or the assessment’s achievement level.
- b. For a student not on an IEP, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team.

Students not on an IEP or Section 504 plan may not receive a modified Smarter Balanced Assessment.

- c. A school district or public charter school shall determine which school teams shall decide if a student will work toward obtaining a modified diploma. A student’s school team must include an adult student and or parent/guardian of the student.
- d. A school district or public charter may award a modified diploma to a student only upon the consent of the parent or guardian of the student or upon the consent of the adult student or emancipated minor student. A district or school must receive the consent in writing and during the school year in which the modified diploma or the extended diploma is awarded:
  - i. If the student is under 18, consent must be received from the parent or guardian;
  - ii. If the student is under age 18 and emancipated, consent may be received from the student;
  - iii. If the adult student is 18 or older, consent must be received from the student or guardian;

**Bethel School District #52**  
**Administrative Rule**

- iv. If the student is under guardianship from the courts, consent must come from the court-appointed authority.
- e. A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of the 6<sup>th</sup> grade and no later than 2 years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.
- f. The student's school team may decide that a student, who was not previously working towards a modified diploma, should pursue a modified diploma, when the student is less than two years from anticipated exit from high school, if the documented history changed.

Beginning in grade five when a student is taking an alternate assessment, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

**EXTENDED DIPLOMA**

The district shall award an extended diploma only to students who have fulfilled all state requirements below and have demonstrated the inability to meet the full set of academic content standards for a Bethel high school diploma, or a standard or modified diploma, even with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must have a documented history of:

- 1. An inability to maintain grade level achievement due to significant learning barriers; or
- 2. A medical condition that creates a barrier to achievement; and
- 3. Participating in an alternate assessment no later than grade six and lasting for two or more assessment cycles; or
- 4. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five when a student is taking an alternate assessment, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

While in grade nine through completion of high school, a student must successfully complete 12 credits, which may not include more than six credits in a self-contained special education classroom, and will include:

<b>Subject</b>	<b>Requirements</b>
English Language Arts	2
Mathematics	2
Science	2
History, Geography, Economics or Civics	3
Health Education	1
Physical Education	1
The Arts or World Language	1
<b>Total</b>	<b>12</b>

**ALTERNATIVE CERTIFICATE REQUIREMENTS**

**Willamette High School Certificate of Skills & Knowledge**

The district shall award a Certificate of Skills and Knowledge for students who have met the following requirements:

<b>Subject</b>	<b>Requirements</b>
English Language Arts	3
Mathematics	2
Science	1
Social Studies	1
Physical Education	1
Career Pathways	1
Young Mothers and Fathers	2
Infant Toddler Center	1
Other electives	3
<b>Total</b>	<b>15</b>
Completion of a transition plan for further education. The plan will consist of formal goals and strategies to achieve the goals, completion of the LCC Placement test, and completion of the FAFSA forms.	

**CERTIFICATE OF CREDIT COMPLETION**

A Bethel School District ‘Certificate of Credit Completion’ will be awarded to any student who has earned all the prerequisite credits to graduate with a diploma, but has not met Essential Skills requirements in Reading, Writing, and/or Mathematics after completion of intervention coursework aimed at meeting these requirements.

Upon completion of a Certificate of Credit Completion, students may continue for an additional year to meet Essential Skills requirements and earn a Bethel diploma.

**CERTIFICATE OF ACCOMPLISHMENT**

Students who have an Individual Education Plan (IEP) and have taken functional curriculum may be awarded a Certificate of Accomplishment. Students may become eligible for this certificate upon successful completion of an individualized plan of study, usually after four-years of high school, as prescribed in the student’s IEP. The student’s IEP Team will determine eligibility for this certificate.

**VETERANS DIPLOMA**

Upon request, the district will issue a high school diploma to a person who served in the Armed Forces as specified in Oregon law, if the person was discharged or released under honorable conditions and has received either a

**Bethel School District #52**  
**Administrative Rule**

General Education Development, a post-secondary degree or has received a minimum score on the Armed Services Vocational Aptitude Battery.

1. Served in the Armed Forces of the U.S. at any time during:
  - a. World War I;
  - b. World War II;
  - c. The Korean Conflict; or,
  - d. The Vietnam War
  
2. Served in the Armed Forces of the U.S. and was physically present in:
  - a. Operation Urgent Fury (Grenada);
  - b. Operation Just Cause (Panama);
  - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
  - d. Operation Restore Hope (Somalia);
  - e. Operation Enduring Freedom (Afghanistan); or,
  - f. Operation Iraqi Freedom (Iraq).
  
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the United States.

**FOREIGN/INTERNATIONAL STUDENTS**

Year Abroad students of senior age are permitted and encouraged to participate in senior end-of-year activities such as Prom, Baccalaureate, senior breakfast and the graduation party. They are permitted to participate in graduation activities on a ceremonial basis, but they are not eligible to earn or receive a diploma.

**CREDIT FOR PROFICIENCY**

Students will have the opportunity to earn credit by demonstrating proficiency based on state content standards. The Oregon Department of Education will provide guidelines on how this will be implemented.

**COLLEGE CREDIT OPTIONS**

Willamette provides multiple opportunities for students to earn college credit through AP, IB, College Now and other dual college opportunities.

**ASSESSMENT**

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form<sup>1</sup> and submitting the form to the district.

Kalapuya students can earn college credits through the Expanded Options program.

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<sup>1</sup>[www.ode.state.or.us](http://www.ode.state.or.us); or navigate to Teaching & Learning > Testing - Student Assessment > Smarter Balanced  
6/09, 2/10, 2/11, 4/12, 5/12, 10/12, 4/14, 12/17, 4/18

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**RESOLUTION NO. 18-19: 6**

**August 27, 2018**

**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.	Blair, Heidi	Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for 1.0 FTE Title I Teacher @ Clear Lake; Replaces: Tyla LaGoy; Start Date: 8/27/2018.
2.	Borneman, Sharie	Temporary Hire for 2018-19	Offer Temporary Contract for .8 FTE 2 <sup>nd</sup> Grade Facilitating Teacher @ Irving; Start Date: 8/27/2018.
3.	Brookshear, Amanda	Hire/Temporary Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for .5 FTE Counselor and Temporary Contract for .5 FTE Counselor @ Shasta; Total: 1.0 FTE; Replaces: Carrie Tilson; Start Date: 8/20/2018.
4.	Bunker, Phillip	Temporary Hire for 2018-19	Offer Temporary Contract for .5 FTE Culinary Teacher @ Willamette; Replaces: Erin Emmert; Start Date: 8/27/2018.
5.	Campbell, Jessie	Resignation	Accept resignation effective August 14, 2018; Position Held: School Psychologist @ District Office; 6 months at Bethel.
6.	Callahan, Katelynn	Temporary Hire for 2018-19	Offer Temporary Contract for 1.0 FTE 4 <sup>th</sup> /5 <sup>th</sup> Grade Teacher @ Clear Lake; Replaces: Rod Gingery; Start Date: 8/27/2018.
7.	Charpie, Charissa	Resignation	Accept resignation effective August 14, 2018; Position Held: 1 <sup>st</sup> Grade Teacher @ Malabon; 11 years at Bethel.
8.	Cheek, Elizabeth	Temporary Hire for 2018-19	Offer Temporary Contract for 1.0 FTE 2 <sup>nd</sup> Grade Teacher @ Malabon; Replaces: Carol Bridgens (Infant Care Leave); Start Date: 8/27/2018.
9.	Craven, Lezlee	Temporary Hire for 2018-19	Offer Temporary Contract for 1.0 FTE Mental Health Therapist/School Counselor @ Kalapuya; Start Date: 8/27/2018.
10.	DeVille, Louis	Resignation	Accept resignation effective August 3, 2018; Position Held: Extended Resource Room Teacher @ Shasta; 2 years at Bethel.

11.	Evans, Shannon	Hire for 2018-19	Offer 2 <sup>nd</sup> Year Probationary Contract for 1.0 FTE English Language Arts/Social Studies Teacher @ Shasta.
12.	Greene, Juliauna	Hire for 2018-19	Offer 2 <sup>nd</sup> Year Probationary Contract for 1.0 FTE 3 <sup>rd</sup> Grade Teacher @ Fairfield; Replaces: Lara Castillo.
13.	Higbee, Ereanna	Hire for 2018-19	Offer Extra Duty Contract for Junior Varsity Volleyball Coach @ Willamette.
14.	Fields, Billy	Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for 1.0 FTE Math/Science Teacher @ Prairie Mountain; Replaces: Lenore Davis-Woods; Start Date: 8/27/2018.
15.	Gregory, Cindy	Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for 1.0 FTE Special Education Teacher (Bethel Transition Network) @ Willamette; Replaces: Patrick Sinnott; Start Date: 8/27/2018.
16.	Jackson, Ashley	Temporary Hire for 2018-19	Offer Temporary Contract for .5 FTE Kindergarten Teacher @ Prairie Mountain to job share with Erin Richardson-Harris; Start Date: 8/27/2018.
17.	Oltman, Sarah	Hire for 2018-19	Offer 3 <sup>rd</sup> Year Probationary Contract for 1.0 FTE 2 <sup>nd</sup> Grade Teacher @ Malabon; Replaces: Charissa Charpie.
18.	Patch, Arianna	Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for 1.0 FTE Resource Room Teacher @ Willamette; Replaces: Glenda Zimmer; Start Date: 8/27/2018.
19.	Reif, Khahlela	Hire for 2018-19	Offer 1 <sup>st</sup> Year Probationary Contract for 1.0 FTE 5 <sup>th</sup> Grade Teacher @ Meadow View; Start Date: 8/27/2018.
20.	Richardson-Harris, Erin	Leave of Absence	Approve .5 FTE Leave of Absence for the 2018-19 school year to job share with Ashley Jackson; Position: Kindergarten Teacher @ Prairie Mountain.
21.	Taramasco, Anthony	Temporary Hire for 2018-19	Offer Temporary Contract for .6 FTE Counselor @ Danebo; Replaces: Amy Tuski (Leave of Absence); Start Date: 8/27/2018.

**Recommended by:** Remie Calalang, Human Resources Director

**ATTEST** \_\_\_\_\_  
**Clerk – Chris Parra**

\_\_\_\_\_  
**Chair – Debi Farr**

**MOVED BY** \_\_\_\_\_

**SECONDED BY** \_\_\_\_\_

**DATE** \_\_\_\_\_

**RESOLUTION:** *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				



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**August 27, 2018**

**RESOLUTION NO. 18-19: 7**

**BE IT RESOLVED**, That the Board of Directors, School District No. 52, Lane County, hereby adopts the 2018-2019 School Board Priorities, as presented.

**ATTEST** \_\_\_\_\_  
**Clerk – Chris Parra**

\_\_\_\_\_  
**Chair – Debi Farr**

**MOVED BY** \_\_\_\_\_

**SECONDED BY** \_\_\_\_\_

**DATE** \_\_\_\_\_

**RESOLUTION:**     *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				
Rich Cunningham				

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**August 27, 2018**

**RESOLUTION NO. 18-19: 8**

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

- IGBAC:** Special Education - Personnel
- IGBAE:** Special Education – Participation in General Education Programs
- IGBAE-AR:** Special Education – Participation in General Education Programs
- IGBAI:** Special Education – Private Schools
- IGBAI-AR:** Special Education – Private Schools

**ATTEST** \_\_\_\_\_  
 Clerk – Chris Parra

\_\_\_\_\_  
 Chair – Debi Farr

**MOVED BY** \_\_\_\_\_

**SECONDED BY** \_\_\_\_\_

**DATE** \_\_\_\_\_

**RESOLUTION:**      *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Debi Farr				
Dawnja Johnson				
Paul Jorgensen				
Alan Laisure				
Greg Nelson				
Ginger Poage				
Rich Cunningham				

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

Subject: Special Education - Personnel

Policy Number: IGBAC Effective Date: 8/2018

Date of Original Policy and Revisions: 2/08, 4/12, 4/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 8/2021

**POLICY**

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.

**REPORTS**

None.

**ATTACHMENTS**

None.

**END OF POLICY**

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**REFERENCES / COMMENTS**

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).  
Assistance to States for the Education of Children with Disabilities [34 C.F.R. § 300.156 (d) and] 34 C.F.R. § 300.207

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

Subject: Special Education – Participation in General Education Programs

Policy Number: IGBAE Effective Date 8/2018

Date of Original Policy and Revisions: 2/08, 11/09, 6/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 8/2021

**POLICY**

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 without disabilities.

Special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education 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 general education classrooms solely because of needed modifications in the general curriculum.

**REPORTS**

None.

**ATTACHMENTS**

None.

**END OF POLICY**

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**REFERENCES / COMMENTS**

[ORS 343.223](#) [OAR 581-015-2055](#)  
[OAR 581-015-2040](#) [OAR 581-015-2060](#)  
[OAR 581-015-2045](#)  
[OAR 581-015-2050](#)  
[OAR 581-015-2065](#)

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

[Bethel Administrative Rule IGBAE: Special Education – Participation in Regular Education Programs](#)

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**IGBAE. SPECIAL EDUCATION – PARTICIPATION IN GENERAL EDUCATION  
PROGRAMS**  
**Adopted: 8/2018**

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/guardians, 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 he/she would attend if nondisabled unless the services identified in the IEP cannot feasibly 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 general education classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
  - (3) Placement options, including instruction in general education 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/guardian, 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 general education class;
  - (2) If all IEP services cannot be provided in the general education class, identifying those that must be provided outside the general education class; however, the district will not remove a student from education in age-appropriate general 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:
    - (a) All placement options considered, including placement options requested by the parent/guardian;
    - (b) Potential benefits of placement options that are considered;

**Bethel School District #52**  
**Administrative Rule**

- (c) Any potential harmful effects on the student or on the quality of services that he 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/guardian;
- (7) If the selected placement is a change from previous placement, the district provides the parent/guardian with prior written notice of the change in placement; and
- (8) If the parent/guardian 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 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.

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

Subject: Special Education – Private Schools

Policy Number: IGBAI Effective Date: 8/2018

Date of Original Policy and Revisions: 2/08, 7/08, 11/09, 5/12, 6/15

Cancels Policy No.: \_\_\_\_\_ Dated: \_\_\_\_\_

Date of Next Review: 8/2021

**POLICY**

The Individuals with Disabilities Education Act (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/guardians. The law, rules and requirements for these groups of students are different. It is the policy of the District to implement differentiated procedures and services for these groups.

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/guardians, 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.

**REPORTS**

None.

**ATTACHMENTS**

None.

**END OF POLICY**

**REFERENCES / COMMENTS**

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2460](#)

[OAR 581-015-2085](#)

[OAR 581-015-2470](#)

[OAR 581-015-2265](#)

[OAR 581-015-2480](#)

[OAR 581-015-2270](#)

[OAR 581-015-2515](#)

[OAR 581-015-2280](#)

[OAR 581-021-0029](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

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

[Bethel Administrative Rule IGBAI: Special Education – Private Schools](#)

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**IGBAI. SPECIAL EDUCATION – PRIVATE SCHOOLS**  
**Adopted: 8/2018**

**Approved Private Schools**

1. Obligations of the district:

- a. The district ensures that parents/guardians 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 to provide such education in conformance with an IEP, and at no cost to the parents/guardians, 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 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/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 parents/guardians, 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 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 parents/guardians 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/guardians 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/guardians 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 the Oregon Department of Education suspends, revokes, or refuses to renew the approval of a private school or preschool.

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- (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/guardians;
  - (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 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/guardians of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
- b. Consultation includes:

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- (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/guardians, 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 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/guardians about how to implement the child find activities and how to keep parents/guardians 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 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/guardians in private schools:

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- 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 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/guardian 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/guardian 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 parent/guardian 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/guardians 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/guardian 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/guardian 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/guardian 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/guardians 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/guardian in a private school the district offers a services plan.



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- 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 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.

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- 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 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 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.