

# Lane ESD Monitoring Report

## Summary of Findings and Required Follow-Up from Focused Monitoring

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### **Lane ESD**

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## Monitoring Authority

The Individuals with Disabilities Education Improvement Act (IDEA)<sup>1</sup> provides federal funds to assist states in educating children with disabilities on the condition that participating states ensure that school districts and other publicly-funded educational agencies in the state comply with the requirements of IDEA and its implementing regulations. In turn, the IDEA directs that the primary focus of federal and state monitoring activities shall be to improve education results and functional outcomes for all children with disabilities and meet the program requirements with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.<sup>2</sup>

Oregon law further requires local school districts to provide appropriate special education and related services and directs the Oregon Department of Education (ODE) to establish, monitor, and enforce regulations governing special education programs in local education agencies (LEAs) and all institutions wholly or partly supported by the state.<sup>3</sup> The Office of Enhancing Student Opportunities (OESO) of the ODE supervises and conducts the general supervision process as part of the state's obligations under the IDEA and ORS 343.041. ODE's administrative rules provide a procedure for the review of potential violations of the IDEA and a system to enforce the IDEA's requirements.<sup>4</sup>

Under those rules, ODE must notify any school district or program of any noncompliance identified through the General Supervision system within 30 days of its identification when ODE determines that the noncompliance could cause a student to be denied 10 or more instructional days (whether partial or full days) consecutively or cumulatively within any one school year, as compared to the majority of general education students who are in the same grade within the attending school district or program as the child or student with a disability. That notification must include any required corrective action to be completed by the district or program and the timeline within which corrective action must be completed.<sup>5</sup>

In determining the corrective action the school district or program must complete, ODE may consider a variety of factors, including but not limited to whether the noncompliance:

- a) Was extensive or found in only a small number or percentage of files;
- b) Resulted in the denial of free appropriate public education, parent participation, or placement in the least restrictive environment as required by the IDEA; and/or
- c) Represents an isolated incident in the school district or program, or reflects a longstanding failure to meet IDEA requirements.

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<sup>1</sup> 20 USC § 1400 (c)(1).

<sup>2</sup> 34 CFR § 300.600.

<sup>3</sup> ORS 343.041.

<sup>4</sup> OAR 581-015-2015.

<sup>5</sup> OAR 581-015-2015(6).

When a school district or program is notified of noncompliance, the school district or program must correct the noncompliance, including completing any corrective action required by the Department, as soon as possible, and in no case later than one year after it was identified.

Notwithstanding that, identified noncompliance must be corrected as soon as possible, and in no case later than 60 days after it was identified when the Department determines that the noncompliance could cause a student to be denied 10 or more instructional days consecutively or cumulatively within any one school year, as compared to the majority of general education students who are in the same grade within the attending school district or program.<sup>6</sup>

## Background

On June 28, 2022 the Oregon Department of Education opened an investigation into Lane ESD related to potential noncompliance with the Individuals with Disabilities Education Act (IDEA). The investigation focused on the programmatic shortening of in-person instructional week for students served through Lane ESD’s Life Skills program as a result of workforce shortages associated with the COVID-19 pandemic. All students within this program are students with disabilities that qualify for special education services, are entitled to a free appropriate public education (FAPE), and have a “presumptive right to receive the same number of hours of instruction or educational services as other students” (ORS 343.161).

Under state law, students with disabilities may only be placed on an abbreviated school day program if the student’s individualized education program team:

- (a) Determines that the student should be placed on an abbreviated school day program:
  - (i) Based on the student’s needs; and
  - (ii) After the opportunity for the student’s parents to meaningfully participate in a meeting to discuss the placement; and
- (b) Documents that the team considered at least one option that included appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.<sup>7</sup>

Decisions to place a student on an abbreviated school day program may only be made by the appropriate IEP team after considering the student’s individual and unique circumstances, and consistent with the Least Restrictive Environment (LRE) requirements of the IDEA and the requirements of ORS 343.161.

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<sup>6</sup> OAR 581-015-2015(9).

<sup>7</sup> ORS 343.161(3).

## Monitoring Activities

ODE first requested that the ESD provide a list of every student enrolled, at any time during the 2021-22 school year, within the Life Skills program at Lane ESD. This list was to include the following information for each student:

- Full Name
- Date of Birth
- Enrollment Dates
- Secure Student ID (SSID)
- Grade Level
- Primary Disability Category
- Race
- Ethnicity
- Gender
- School District of Residence
- Total Minutes of Instruction Provided In Person in the School Year
- Total Special Education and Related Services Minutes Provided In Person in the School Year
- Total Minutes of Instruction Provided Remotely in the School Year
- Total Special Education and Related Services Minutes Provided Remotely in the School Year
- Dates of Each IEP Meeting Held within the Last Year

This information was initially due to ODE by July 12, 2022. Staff at Lane ESD requested an extension for this deadline and ODE granted an extension with a new due date of July 26, 2022.

Lane ESD submitted this list on July 26, 2022. Records submitted indicated that Lane ESD served 173 students in its Life Skills program at any time during the 2021-22 school year. ODE staff analyzed this information and requested additional documentation related to a sample of the students submitted. The sample selected was designed to be representative of students in the program. To the extent practicable, ODE ensured that students in the sample reflected each grade level, primary disability category, race, ethnicity, gender, and school district of residence that appeared within the student population. The sample size was determined based on the total number of students in the program, with Lane ESD required to provide documentation for 30 students for ODE to review.

ODE requested that Lane ESD provide the following information for each student in the sample:

1. Student schedules, with delivery method, including in-person and remote instructional minutes provided per week.
2. Each Individualized Education Program (IEP) in effect at any time during the 2021-22 school year.
3. Notices of Team Meetings for all IEP meetings at any time during the 2021-22 school year.
4. IEP meeting minutes for all IEP meetings at any time during the 2021-22 school year.
5. All Prior Written Notices (PWN) provided at any time during the 2021-22 school year.

6. All *Abbreviated School Day Notice and Acknowledgement Notice to Parent/Guardian or Foster Parent* forms provided.
7. Copies of all documents involving requested students related to this situation, including letters, memos, email messages, notes from any relevant phone calls or meetings, or any other documents relevant to ODE's investigation into this situation.

This information had an initial submission date of July 29, 2022. Staff at Lane ESD requested an extension for this deadline and ODE granted an extension with a new due date of August 12, 2022. The ESD provided the requested documentation on August 12, 2022.

A total of 30 files were reviewed. Each file review was conducted using a protocol developed by ODE personnel based on requirements in Federal or state statute or rule. Specific protocol standards are included in the table below.

## Summary of Findings and Required Actions

### File Review Summary

The table below summarizes file reviews using the standards from the ODE protocol. It includes information about the standard, the number of files reviewed for each standard, the total number compliant, and the percent of files that were compliant. Any percentage of compliance below 100 in the table below is indicative of noncompliance and requires correction. More information about required actions to correct identified noncompliance is included in a later section of this report.

Standard	Total Files Reviewed	Total Files Compliant	Percent of Files Compliant
<b>Review Area-1</b> Procedural Safeguards <a href="#">34 CFR §300.504</a>	30	30	100%
<b>Review Area -2</b> Special Factors Related to Communication and/or Assistive Technology <a href="#">34 CFR §300.324</a>	30	29	96.7%
<b>Review Area -3</b> Special Factors Related to Behavior <a href="#">34 CFR §300.324</a>	30	30	100%
<b>Review Area -4</b> Present Levels of Academic Achievement and Functional Performance <a href="#">34 CFR § 300.320</a> ; <a href="#">§ 300.324</a>	30	27	90%
<b>Review Area -5</b> Annual Goals <a href="#">34 CFR §300.320</a>	30	23	76.7%
<b>Review Area -6</b> Review and Revision of Annual Goals <a href="#">34 CFR § 300.320</a> ; <a href="#">OAR 581-015-2225</a>	30	23	76.7%

<b>Standard</b>	<b>Total Files Reviewed</b>	<b>Total Files Compliant</b>	<b>Percent of Files Compliant</b>
<b>Review Area -7</b> Annual Goal Progress <a href="#">34 CFR §300.320</a>	30	28	93.3%
<b>Review Area -8</b> Specially Designed Instruction <a href="#">34 CFR §300.320</a>	30	29	96.7%
<b>Review Area -9</b> Related Services <a href="#">34 CFR §300.320</a>	30	30	100%
<b>Review Area -10</b> Supplementary Aids and Services <a href="#">34 CFR §300.320</a>	30	29	96.7%
<b>Review Area -11</b> Support for School Personnel <a href="#">34 CFR §300.320</a>	30	29	96.7%
<b>Review Area -12</b> IEP Services are Appropriate <a href="#">34 CFR §300.320</a>	30	13	43.3%
<b>Review Area -13</b> Placement of Student on Abbreviated Day <a href="#">ORS 343.161</a> ; <a href="#">OAR 581-015-2200</a>	30	0	0%
<b>Review Area -14</b> IEP Documents Reason for Abbreviated School Day Program Determination <a href="#">ORS 343.161</a>	30	0	0%
<b>Review Area -15</b> Placement Page <a href="#">ORS 343.161</a>	30	29	96.7%
<b>Review Area -16</b> Placement Decision Made by Group <a href="#">34 CFR § 300.500</a> , <a href="#">300.327</a> , <a href="#">300.501(b) - (c)</a> , <a href="#">300.322</a> , and <a href="#">300.328</a>	30	19	63.3%
<b>Review Area -17</b> Prior Written Notice <a href="#">34 CFR §300.300</a>	30	0	0%
<b>Review Area -18</b> Abbreviated School Day Notice and Acknowledgement <a href="#">ORS 343.161</a>	30	0	0%
<b>Review Area -19</b> Extended School Year (ESY) Services <a href="#">34 CFR §300.106(a)</a>	30	29	96.7%

## Findings of Noncompliance/Required Actions

### Identified Noncompliance

As a result of this investigation, ODE also identified noncompliance in the following areas:

### *Least Restrictive Environment, Nonparticipation Justification, and Special Education and Related Services*

Each student's IEP must contain an explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class and school activities. IEPs must additionally include a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child. LEAs must ensure that to the maximum extent appropriate, children with disabilities are educated with children who do not have a disability. LEAs must also ensure that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. IEPs for students who have been removed from the regular class setting must include services consistent with that level of removal.

In many of the IEPs reviewed, the documented justification for nonparticipation indicated that the student was fully or nearly fully removed from settings in which their nondisabled peers received access to education. Yet, the special education and related services included in many IEPs reviewed were not consistent with that level of removal, often reflecting special education and related services that cumulatively amounted to only a portion of the school day. A child must receive special education and related services for the entire duration of time that they are removed from the regular class setting and the nature and duration of these services must be documented in the IEP.

The documentation also reflects that, during the 2021-22 school year, Lane ESD universally decided to provide students with disabilities with four days of instruction instead of five like their same age general education peers, without that adjustment being considered or made by any individual student's IEP team.<sup>8</sup>

### *FAPE, Content of IEP, and Special Education and Related Services*

Each IEP must include a statement of the specific special education and related services and supplementary aids and services to be provided to the eligible student, or on behalf of that student. LEAs must provide special education and related services in accordance with a student's IEP. Many of the IEPs reviewed failed to provide appropriate programming for a full school day given the student's circumstances (i.e., students were fully or nearly fully removed from settings providing access to their nondisabled peers, but did not have corresponding special education or related services). That reflects a failure to place eligible students in a specialized setting in order to receive special education and related services when those students, according to their IEPs, did not receive special education and related services for the full duration of the time they were removed from the classroom.

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<sup>8</sup> Although that universal decision may not necessarily constitute a violation of the IDEA in every instance, it may constitute possible grounds for a disability discrimination complaint. ODE recommends that required corrective action be completed as quickly as possible to remedy any potential discrimination.

**Correction of Noncompliance  
Pursuant to OAR 581-015-2015 General Supervision**

In its review, the ODE has determined that at least some of the identified noncompliance could cause a student or students to be denied 10 or more instructional days cumulatively in a school year as compared to the majority of general education students who are in the same grade within the attending school district or program. Lane ESD must correct that noncompliance and submit evidence of the required correction of noncompliance documented below as soon as possible, but not later than 60 days from the date of this report in accordance with the following table.





Identified Noncompliance	Action Required	Submissions	Due Date
	<p>justification, placement decisions; and the requirements of SB 263;</p> <ul style="list-style-type: none"> <li>• Strategies for identifying and implementing appropriate supports (accommodations, modifications, supplementary aids and services, and supports, including behavior) for students with disabilities, and supports to personnel;</li> <li>• Discipline requirements, related parent involvement, and record-keeping; and;</li> <li>• Review and revision of IEPs.</li> </ul> <p>Implement the training plan as approved.</p> <p>During each IEP meeting held after receiving this report, ensure that the special education and related services included on the IEP enables the student to receive a full educational program.</p>	<p>Submit evidence of completion of this training, including a signed attendee list, which must include the name and position/role of each attendee, presenter(s), materials used, assessment results, and any meeting notes or minutes.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>November 20, 2022</b></p> <p><b>November 20, 2022</b></p>
<p>FAPE, Content of IEP, and Special Education and Related Services</p>	<p>Review records for each student placed in Lane ESD’s life skills program at any time on or after September 1, 2021 to determine an individualized plan for compensatory education based on the</p>	<p>Submit to ODE a copy of compensatory education plan.</p>	<p><b>November 20, 2022</b></p>

Identified Noncompliance	Action Required	Submissions	Due Date
	<p>lack of a full educational program in their IEP. For each student served in the program, this plan must include:</p> <ul style="list-style-type: none"> <li>• A description of the compensatory education services to be provided</li> <li>• The frequency, amount, and location of services to be provided, by type</li> <li>• The expected initiation and duration dates of services</li> <li>• An individualized rationale as to how this compensatory education plan meets the individual student’s needs</li> </ul> <p>Following ODE’s approval of the compensatory education plan, provide compensatory education according to the plan.</p>	<p>Evidence of completion of required compensatory education.</p>	<p><b>Within seven (7) work days of the duration date identified in approved plan</b></p>
<p>In 1 instance<sup>10</sup>, ODE was unable to confirm that the most recent IEP indicates the team considered the existence of special factors related to communication and/or assistive technology, determined whether these special factors apply to the student, and appropriately addressed these</p>	<p>For each student where noncompliance was identified, update the IEP to appropriately address these special factors.</p>	<p>Documentation that demonstrates the teams have reconvened or have entered into a written agreement with parent to amend the IEP without a meeting to address these special factors.</p>	<p><b>October 20, 2022</b></p>

<sup>10</sup> Information on the specific students for whom ODE identified noncompliance will be shared with Lane ESD via Secure File Transfer.

Identified Noncompliance	Action Required	Submissions	Due Date
identified special factors within the IEP. (Authority: 34 CFR § 300.324)	Ensure these special factors are appropriately addressed in subsequent IEP meetings.	Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.	<b>November 20, 2022</b>
In 3 instances, ODE was unable to confirm that the most recent IEP includes a complete statement of the child’s present levels of academic achievement and functional performance. (Authority: 34 CFR § 300.320; § 300.324)	<p>For each student where noncompliance was identified, update the IEP to include complete present levels of academic achievement and functional performance.</p> <p>Ensure each IEP developed subsequently to receiving this report includes complete present levels of academic achievement and functional performance.</p>	<p>Documentation that demonstrates the teams have reconvened or have entered into a written agreement with parent to amend the IEP without a meeting to include complete present levels.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>
In 7 instances, ODE was unable to confirm that the most recent IEP contains a statement of measurable annual goals, including academic and functional goals as appropriate. (Authority: 34 CFR § 300.320)	<p>For each student where noncompliance was identified, update the IEP to include an appropriate statement of measurable annual goals.</p> <p>Ensure each IEP developed subsequently to receiving this report includes an appropriate statement of measurable annual goals.</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to include an appropriate statement of measurable annual goals.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>
In 7 instances, ODE was unable to confirm that the IEP was reviewed within the last 365 days, and annual goals were revised to address: progress or any lack of progress toward the annual goals; progress or any lack of progress in the general education curriculum, if	For each student where noncompliance was identified, the IEP needs to be reviewed and revised as appropriate.	Documentation that demonstrates the teams have reconvened or has entered into a written agreement with parent to amend the IEP without a meeting.	<b>October 20, 2022</b>

Identified Noncompliance	Action Required	Submissions	Due Date
<p>appropriate; the results of reevaluation; information about the student provided to, or by, the parent; and the student’s anticipated needs or other matters. (Authority: 34 CFR § 300.320; OAR 581-015-2225)</p>	<p>Ensure each IEP developed subsequently to receiving this report is reviewed and revised within 365 days of the previous IEP.</p>	<p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>November 20, 2022</b></p>
<p>In 2 instances, ODE was unable to confirm that the student’s progress toward meeting their annual goals was measured according to the IEP, and the report of progress was provided to the parents and, if applicable, the adult student as required by the IEP. (34 CFR §300.320)</p>	<p>For each student where noncompliance was identified, provide updated progress reporting as required by the IEP.  Subsequent to receiving this report, measure and report progress according to the requirements in each IEP.</p>	<p>Submit a copy of the updated progress report provided for each student.  Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b>  <b>November 20, 2022</b></p>
<p>In 1 instance, ODE was unable to confirm that the most recent IEP contains a statement of special education services and specially designed instruction, including location as well as initiation, duration, and frequency. (34 CFR §300.320)</p>	<p>For each student where noncompliance was identified, update the IEP to include an appropriate statement of special education services and specially designed instruction.  Ensure each IEP developed subsequently to receiving this report includes an appropriate statement of special education services and specially designed instruction.</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to include an appropriate statement of special education services and specially designed instruction.  Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b>  <b>November 20, 2022</b></p>
<p>In 1 instance, ODE was unable to confirm that the IEP contains a statement of supplementary aids and services, including accommodations and modifications to be provided to the child. The statement of supplementary aids and</p>	<p>For each student where noncompliance was identified, update the IEP to include an appropriate statement of supplementary aids and services, including accommodations and modifications to be provided.</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to include an appropriate statement of supplementary aids and services,</p>	<p><b>October 20, 2022</b></p>

Identified Noncompliance	Action Required	Submissions	Due Date
<p>services includes location and anticipated initiation, duration, and frequency. (34 CFR §300.320)</p>	<p>Ensure each IEP developed subsequently to receiving this report includes an appropriate statement of supplementary aids and services, including accommodations and modifications to be provided.</p>	<p>including accommodations and modifications to be provided.  Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>November 20, 2022</b></p>
<p>In 1 instance, ODE was unable to confirm that the IEP contains a statement of supports for school personnel. (34 CFR §300.320)</p>	<p>For each student where noncompliance was identified, update the IEP to include an appropriate statement of supports for school personnel.  Ensure each IEP developed subsequently to receiving this report includes an appropriate statement of supports for school personnel.</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to include an appropriate statement of supports for school personnel.  Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b>  <b>November 20, 2022</b></p>
<p>In 17 instances, ODE was unable to confirm that the services identified on the IEP are based on the present level of academic and functional performance statement(s) and the annual goals (and short-term objectives or benchmarks, if applicable). (34 CFR §300.320)</p>	<p>For each student where noncompliance was identified, update the IEP to ensure it includes services based on the present level of academic and functional performance statement(s) and the annual goals.  Ensure each IEP developed subsequently to receiving this report includes services based on the present level of academic</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to include services based on the present level of academic and functional performance statement(s) and the annual goals.  Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b>  <b>November 20, 2022</b></p>

Identified Noncompliance	Action Required	Submissions	Due Date
	and functional performance statement(s) and the annual goals.		
<p>In 30 instances, ODE was unable to confirm that the most recent IEP team determination that the student be placed on an abbreviated school day program was based on the student’s needs. (Authority: ORS 343.161; OAR 581-015-2200)</p>	<p>For each student where noncompliance was identified, hold a placement meeting to determine the appropriate LRE. In instances where LRE for a particular student includes placement on an abbreviated school day program, ensure that the IEP documents the unique student needs that require placement on an abbreviated school day program.</p> <p>Ensure each IEP developed subsequently to receiving this report documents the unique student needs that require placement on an abbreviated school day program placement whenever that placement occurs.</p>	<p>For each IEP and placement meeting conducted, submit a copy of the IEP and placement team meeting notice(s), contact log regarding the individual student’s meetings, a complete copy of the IEP, and separate placement determination, any meeting notes or minutes, and copies of any prior written notices.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>
<p>In 30 instances, ODE was unable to confirm that the child’s most recent IEP includes a statement that documents the reason for the abbreviated school day program placement determination (i.e., medical, behavioral). (Authority: ORS 343.161)</p>	<p>For each student where noncompliance was identified, hold a placement meeting to determine the appropriate LRE. In instances where LRE for a particular student includes placement on an abbreviated school day program, ensure that the IEP documents the reason for the abbreviated school day program placement.</p> <p>Ensure each IEP developed subsequently to receiving this report documents the reason for the abbreviated school day</p>	<p>For each IEP and placement meeting conducted, submit a copy of the IEP and placement team meeting notice(s), contact log regarding the individual student’s meetings, a complete copy of the IEP, and separate placement determination, any meeting notes or minutes, and copies of any prior written notices.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>

Identified Noncompliance	Action Required	Submissions	Due Date
	program placement whenever that placement occurs.		
<p>In 1 instance, ODE was unable to confirm that the placement page documents that the team considered at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school and the reason(s) why that option was rejected. (Authority: ORS 343.161)</p>	<p>For each student where noncompliance was identified, hold a placement meeting to determine the appropriate LRE. In instances where LRE for a particular student includes placement on an abbreviated school day program, ensure that the IEP documents consideration of at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school and the reason(s) why that option was rejected.</p> <p>Ensure each IEP developed subsequently to receiving this report documents the consideration of at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school and the reason(s) why that option was rejected whenever an abbreviated school day program placement occurs.</p>	<p>For each IEP and placement meeting conducted, submit a copy of the IEP and placement team meeting notice(s), contact log regarding the individual student’s meetings, a complete copy of the IEP, and separate placement determination, any meeting notes or minutes, and copies of any prior written notices.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>



Identified Noncompliance	Action Required	Submissions	Due Date
<p>In 11 instances, ODE was unable to confirm that the placement decision was made by a group and included the parents; and included individuals who have knowledge about the child, the meaning of evaluation data, and placement options. (Authority: 34 CFR § 300.500, 300.327, 300.501(b) - (c), 300.322, and 300.328)</p>	<p>For each student where noncompliance was identified, hold a placement meeting to determine placement with an appropriate group present to make the determination.</p> <p>Ensure each placement decision made after receiving this report is made by a group and included the parents; and included individuals who have knowledge about the child, the meaning of evaluation data, and placement options.</p>	<p>For each IEP and placement meeting conducted, submit a copy of the IEP and placement team meeting notice(s), contact log regarding the individual student’s meetings, a complete copy of the IEP, and separate placement determination, any meeting notes or minutes, and copies of any prior written notices.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>
<p>In 30 instances, ODE was unable to confirm that the district gave Prior Written Notice (PWN) to the parent within a reasonable time before the district proposed placement on an abbreviated school day program. (Authority: 34 CFR § 300.300)</p>	<p>Hold training related to PWN requirements for all staff members who are part of the IEP team for any student where noncompliance was identified.</p> <p>After receiving this report, ensure PWN is given appropriately whenever a decision is made to propose or refuse to initiate or change the identification, evaluation, or educational placement of a student, or the provision of FAPE to the student.</p>	<p>Submit evidence of completion of this training, including a signed attendee list, which must include the name and position/role of each attendee, presenter(s), materials used, assessment results, and any meeting notes or minutes.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>November 20, 2022</b></p> <p><b>November 20, 2022</b></p>

Identified Noncompliance	Action Required	Submissions	Due Date
<p>In 30 instances, ODE was unable to confirm that a statutorily compliant abbreviated school day notice and acknowledgement form was given at least once per term. (Authority: ORS 343.161)</p>	<p>For each student where noncompliance was identified, provide a current statutorily compliant abbreviated school day notice and acknowledgement form.</p> <p>After receiving this report, ensure that a statutorily compliant abbreviated school day notice and acknowledgement form is given at least once per term.</p>	<p>Submit a copy of the updated statutorily compliant abbreviated school day notice and acknowledgement form provided for each student.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>
<p>In 1 instance, ODE was unable to confirm that the IEP team considered the extended school year needs of the student within the last year. (34 CFR § 300.106(a))</p>	<p>For each student where noncompliance was identified, update the IEP to ensure it includes consideration of the need for extended school year services based on the needs of the student.</p> <p>During each IEP meeting held after receiving this report, ensure that the IEP team has considered the extended school year needs of the student within the past year.</p>	<p>Documentation that demonstrates the team has reconvened or has entered into a written agreement with parent to amend the IEP without a meeting to consider the need for extended school year services based on the needs of the student.</p> <p>Evidence showing that this regulation has been correctly implemented subsequent to the receipt of this report.</p>	<p><b>October 20, 2022</b></p> <p><b>November 20, 2022</b></p>

OESO’s Special Education District Support Specialist assigned to Lane ESD, Elizabeth Jankowski, will work with Lane ESD to verify correction of noncompliance. All required documentation must be submitted to your District Support Specialist via email, or using ODE’s [Secure File Transfer](#) system if the documentation contains any confidential or personally identifiable information.