

The Prior Written Notice

November 2022

Topic of the Month

Who can be the Parent at Special Education meetings?

Any of the following may act as a “parent” for a student in the special education process:

- A biological or adoptive parent of the child;
- A current foster parent of the child;
- A legal guardian of the child (but not a state agency, like DHS);
- A person in a parental relationship, such as grandparent, stepparent, or other adult with whom the child lives, or an individual who is legally responsible for the child’s welfare.

If more than one person is qualified to act as the parent, and the biological/adoptive parent is attempting to act as the parent, the biological/adoptive parent is presumed to be the “parent” for special education purposes. The district must provide that parent the opportunity to participate. The exception would be if that individual’s parental rights were terminated by a court of law.

Appointment of a Surrogate Parent, for the purposes of special education, is only necessary when the district cannot locate any qualifying person to act as the parent (see bullets, above.)

Note: The Department of Human Services (DHS) and DHS case managers *may not* act in the role of “parents” for the purposes of team membership for educational planning . DHS case managers may *participate* in the Evaluation or IEP process as other individuals who have knowledge or expertise about the child invited by the parent or the district. DHS case managers *may* sign non-special education documents such as Enrollment, Exchanges of Information, Requests for Records, etc. (OAR 413-020-0160). [Read more about it in the Procedural Manual](#)

Frequently Asked Questions

Some of your colleagues have been asking...

➤ **What happens if I don't finalize IEP/Eligibility documents in time for Census?**


The biggest impact is that the district will not receive state/federal IDEA funds for that student. That may not seem like a “big deal” if you have just one student who is not counted for Census. However, if every special education provider in 4J has just *one* student uncounted, it will result in hundreds of thousands of lost dollars that we could use to hire support staff and provide services to students.

➤ **Are we still doing the Recovery Services discussion (and PWN) at IEPs this year?**

Yes. The Oregon Department of Education (ODE) has ordered that Recovery Services be discussed at every IEP meeting through the end of the 2022-2023 school year (technically, until July 1, 2023; [OAR 581-015-2229](#)). If that rule changes, we will alert you.

➤ **Should we hold a Manifestation Determination before a student reaches 10 days of removal (suspension, etc.)?**

No. There is no benefit to holding a manifestation determination meeting *before* a student is slated for their 10th day of suspension/removal. Manifestation determination's sole purpose is to prevent a student with a disability from being inappropriately disciplined (and removed) for behaviors that are directly and substantially related to their disability. Any changes to the student's goals, program, or placement must take place in an IEP meeting.

- Tip: If a student has a pattern of behaviors that is *approaching* 10 days of total removal, hold an IEP meeting instead of a manifestation determination meeting. This allows the team to amend the IEP to address the pattern of behavior. This might include changing or adding service areas or goals, conducting an FBA and creating/updating a behavior plan, considering placement options, etc.
 - For more info, see the [Procedural Manual](#).
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Upcoming Events

Important dates on the SSD Calendar

November 9: Parent-Teacher Conferences for Elementary and Middle Schools

November 10: Parent-Teacher Conferences for Elementary; Prof Development for Middle & High

November 11: Veteran's Day Holiday

November 24 & 25: Thanksgiving Break

December 1: Special Education Child Count ("Census") *****All IEP and Eligibility meetings must be completed and *paperwork finalized* by the end of the day on December 1st.*****

December 1: Grading Day for Middle and High Schools. This means it's time to write Progress Reports! *****Every special educator should be collecting *progress data* every few weeks for each student's goals. This data informs what you write in your progress reports at report card time.*****

December 2: Workload Relief Day


Breaking News

Increased Focus on Compliance

In order to determine the topics of future professional development needs, as well as to help special educators continuously improve their documentation skills, SSD will be conducting random audits of special education files throughout the year.

We will start with the 80 files that ODE is requiring us to review for compliance this Fall.

ODE's goal is to ensure that special education processes are conducted in accordance with the state regulations. Our SSD goal is to find document exemplars from which everyone can learn, as well as to support individuals who need additional training or practice with procedures.



SSD Spotlight

4J Motor Team

Are you familiar with the amazing services provided by the Motor Team? They like to be called the Motor Team because they believe in teamwork. These specialists do not just work in 4J – they work for all the districts in Lane County, meaning they travel throughout the county to serve students each week. Their focus is on functional skills, independence, and accommodations.



Our three **physical therapists** are gross motor specialists who serve students with orthopedic needs by developing exercise programs to improve strength, endurance, balance, and coordination. PTs also train students and staff to safely use wheelchairs, standers, braces, and adaptive equipment. In contrast, our ten **occupational therapists** are fine motor specialists who help students develop hand skills, such as handwriting, typing, cutting, dressing, self-feeding, and many activities of daily living. OTs also help students with sensory processing differences, including helping teachers set up sensory spaces in classrooms. They bring a medical perspective and see sensory processing through a neurological lens.

Our two **assistive technology specialists** help students use technology to effectively access their education. As technology has become more available in schools, they provide platforms to serve everyone. At the same time, they provide individual programs and special equipment for students with unique needs. They also create training videos for teachers and families. Finally, our one **adaptive PE teacher** serves all schools in 4J, where she consults with PE teachers and helps adapt activities for students. She supports students with a wide range of disabilities and helps them find ways to participate in games, fitness, and recreational activities.

Click for a resource from the motor team on helping students with [Sensory Needs](#).

Have an idea or a topic for a future newsletter? Contact Karen Apgar at apgar_k@4j.lane.edu