

**Linn Benton Lincoln Education
Service District**

Code: **IGBAJ**
Adopted: 10/10/12
Revised: 10/9/2018

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

1. The ESD admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they are advancing from grade-to-grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 years before the end of the school year. These students remain eligible until the end of the school year in which they reach 21 years.
2. The ESD determines residency in accordance with Oregon law.
3. The ESD 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 component district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The ESD may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the ESD 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 ESD 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.

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

109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

Legal Reference(s):

ORS 338.165	OAR 581-015-2020	OAR 581-015-2530
ORS 339.115	OAR 581-015-2035	OAR 581-015-2600
ORS 343.085	OAR 581-015-2040 to-2065	OAR 581-015-2605
ORS 343.224	OAR 581-015-2050	OAR 581-021-0029

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

9/28/17 | RS