

New Special Education Director's Academy

November 6, 2020

Updates to RSSL, companion, and supplemental guidance (~35 minutes)

- Updates to metrics
- Changes to LIPI limitations
- Face Coverings and FAPE

Break (~10 minutes)

IDEA Foundations (~35 Minutes)

- IDEA Overview
- State Performance Plan and IDEA Indicators
- Tree of Influence
- At-a-Glance Special Education Profiles

Questions and Discussion (~10 minutes)

READY SCHOOLS, SAFE LEARNERS

GUIDANCE FOR SCHOOL YEAR 2020–21

Why update metrics?

Improve support systems for children. *Returning to in-person instruction is one of Oregon's highest priorities.*

New data is available. *ODE & OHA initially created metrics for returning to in-person instruction in early August.*

COVID-19 spread can be mitigated in schools. *Oregon's Ready Schools, Safe Learners guidance can help reduce, but not eliminate this risk.*

A Measured, Intentional Approach

In returning to in-person instruction, Governor Brown, ODE, and OHA are focused on:

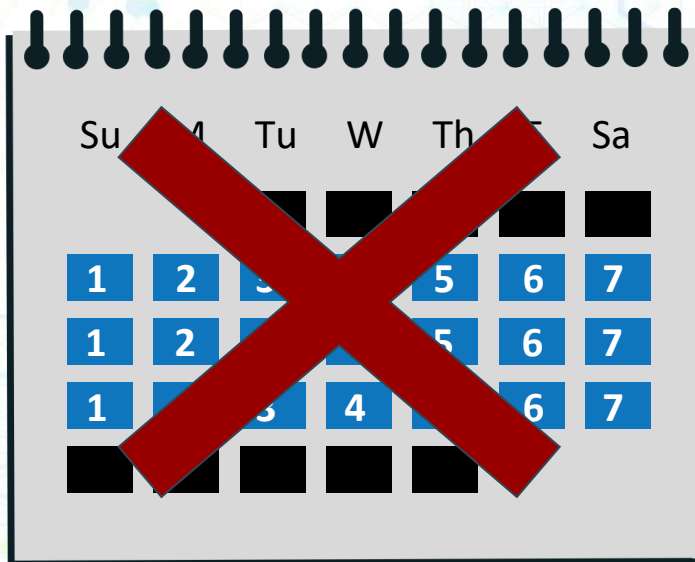
1. Ensuring our schools are ready to implement all the public health protocols with fidelity
2. Providing metrics that allow for in-person instruction at reduced levels of risk
3. Making clear how Oregonians in every county across the state can take the steps needed to meet these new metrics and allow our kids to return to in-person instruction

Top Changes

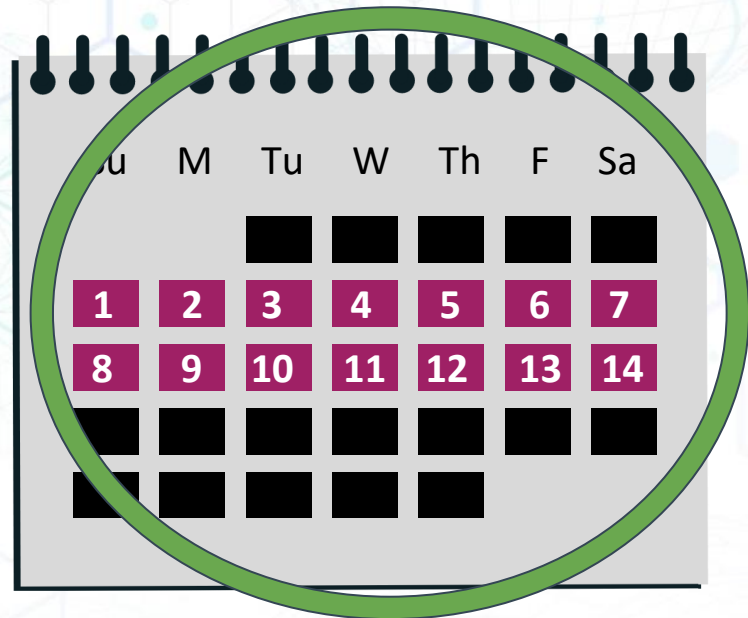
Updated Metrics are effective Friday, October 30, 2020

- 1. Advances a new metrics framework with a move to a two week “Look Back” at the metrics data and removal of state positivity rate**
- 2. Incrementally increases access for in-person instruction beginning at the elementary level**
- 3. Maintains use of some exceptions, including a hold harmless clause**
- 4. Extends implementation windows and advises use of an equity decision tool**
- 5. Limited In-Person Instruction: Changes cohort size from 10 to 20, removes 250 absolute student limit**

Two-Week “Look Back” at Data





Before: Look at data 1 week at a time over a **3 week period**



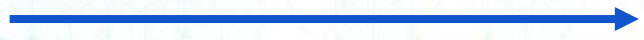
Now: **Single two-week “look back” window** to align with CDC

Metrics Table

Metrics & Models	On-Site	On-Site and Distance Learning	Transition	Distance Learning
County Case Rate <small>per 100,000 People Over 14 days</small>	<50.0	50.0 to <100.0	100.0 to ≤200.0	>200.0
County Case Count <small>Over 14 days (for small counties²)</small>	<30	30 to <45	45 to ≤60	>60
County Test Positivity²	<5.0%	5.0% to <8.0%	8.0% to ≤10.0%	>10.0%
Instructional Model	Prioritize <i>On-Site</i> or <i>Hybrid</i> (as needed to maintain small cohorts) instructional models.	Prioritize careful phasing in of <i>On-Site</i> or <i>Hybrid</i> for elementary schools (starting with K-3 and adding additional grades up to grade 6). Middle school and high school primarily <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> . Over time, if elementary schools can demonstrate the ability to limit transmission in the school environment ⁵ , transition to <i>On-Site</i> or <i>Hybrid</i> .	Consider transition to <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> .  For counties with an upward case/positivity trend (entering from a lower risk category), school officials should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the local community in deciding whether to return to <i>Comprehensive Distance Learning</i> (CDL). ⁴  Schools in counties with downward case/positivity trend must remain in CDL until they drop into the Moderate Risk category or lower.	Implement <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> only.

Metrics Table

On-Site	On-Site and Distance Learning	Transition	For counties with upward case/positivity trend (entering from a lower risk category), school officials should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the broader community in deciding whether to return to Comprehensive Distance Learning (CDL). ⁴
<50.0	50.0 to <100.0	100.0 to ≤200.0	
<30	30 to <45	45 to ≤ 60.0	
<5.0%	5.0% to <8.0%	8.0% to ≤10.0%	



Schools in counties with downward case/positivity trend must remain in CDL until they drop into the "On-Site or Distance Learning" category or lower.	Transition	Distance Learning
	100.0 to ≤200.0	>200.0
	45 to ≤ 60.0	>60.0
	8.1% to ≤10.0%	>10.1%



General Metrics Overview

General Metrics - for returning to in-person instruction

For schools to fully return to in-person instruction the following must be met:

If >10% of students or >10% staff are from a county where case rates or test positivity puts them in the “Transition” column (on metrics table) they should consider delaying a return to in-person instruction until these counties also meet the required metrics, unless after discussion with the LPHA a collaborative decision is made that the neighboring county does not pose significantly higher-risk.

General Metrics Key Points

General Metrics - for returning to in-person instruction

Operating with the General Metrics - Key Points

- Safe Harbor: Schools operating in-person under previous metrics, including exceptions, may *initially* continue to operate in-person.
- Apply an equity-based decision-tool
- Schools have a 14-day window to open from the date the metrics are met.
- Longer window to transition to Comprehensive Distance Learning (CDL)
- Updating Operational Blueprints and weekly status updates to reflect current instructional model.

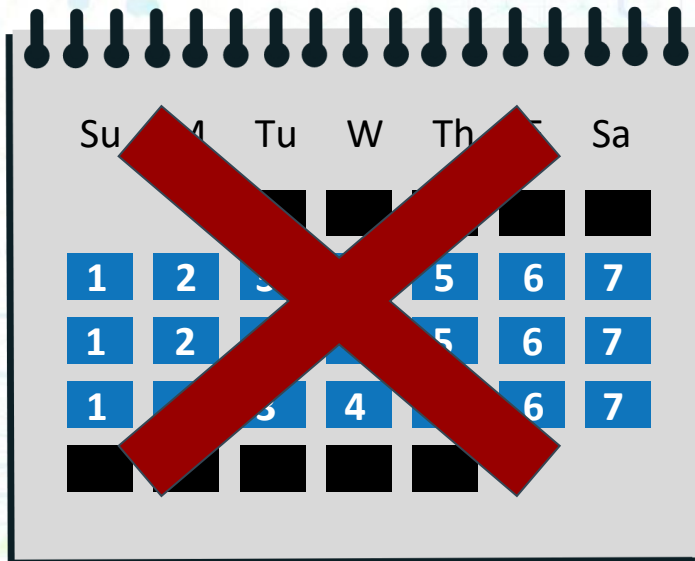
Schools Currently Operating In-Person

General Metrics - for returning to in-person instruction

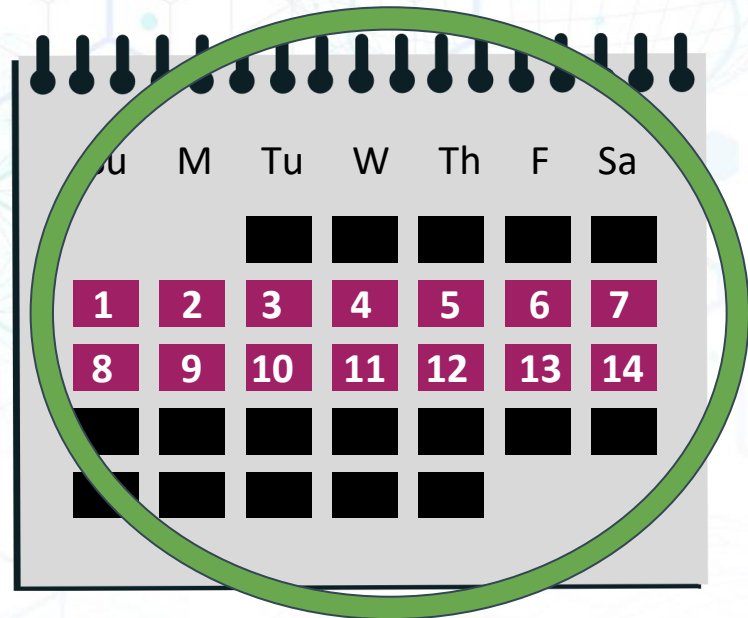
Safe Harbor: Any school operating with in-person instruction, including under any prior exceptions, may, *initially*, continue to operate in-person. Per the Metrics Chart schools:

- May continue operating in-person: if the school is located in a county with current metrics in the “On-Site” or “On-Site and Distance Learning” columns.
- Should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the local community in deciding whether to return to Comprehensive Distance Learning (CDL): if the school is located in a county with current metrics in the “Transition” column of the metrics chart.
- Transition to distance learning by January 4, 2021 (unless operating under an exception per Section 0 of the RSSL guidance) if the school is located in a county with metrics in the “Distance Learning” column.

Two-Week “Look Back” at Data



Before: Look at data 1 week at a time over a **3 week period**



Now: **Single two-week “look back” window** to align with CDC

How the Two-Week “Look Back” Works with Data

Metrics & Models	On-Site	On-Site and Distance Learning	Transition	Distance Learning
County Case Rate per 100,000 People Over 14 days	<50.0	50.0 to <100.0	100.0 to ≤200.0	>200.0
County Case Count Over 14 days (for small counties ³)	<30	30 to <45	45 to ≤60	>60
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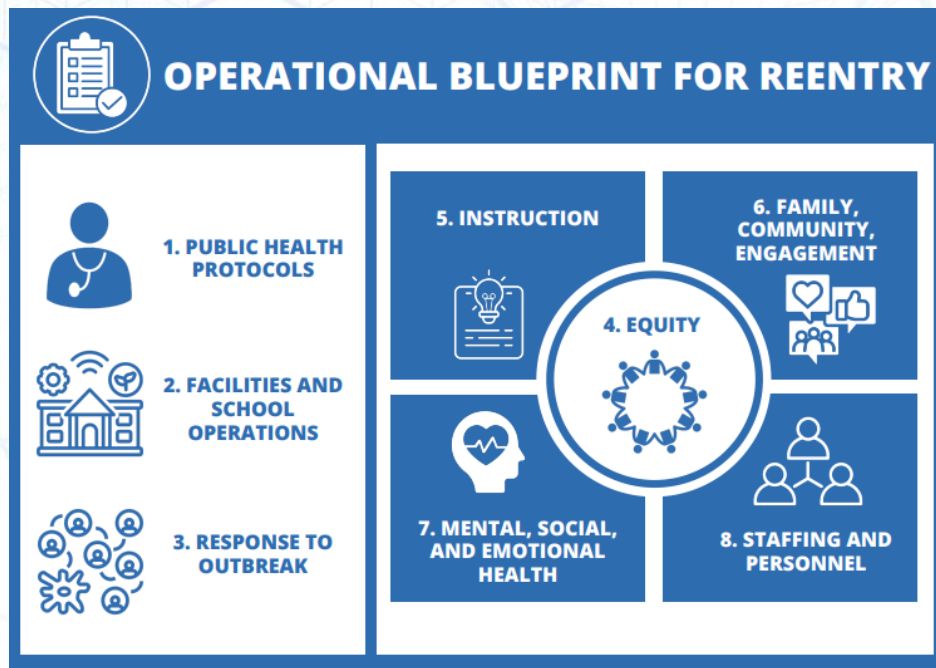
County	County Size	Time Period	Case Count	Cases per 100,000	Test Positivity
Marion	Large†	10/04/2020 - 10/17/2020	554	159.3	9.1%
		10/11/2020 - 10/24/2020	616	177.1	8.9%
		10/18/2020 - 10/31/2020	781	224.6	10.0%

Update Operational Blueprint when / if Instructional Model Changes

Schools do NOT need to submit new blueprints unless they are changing their instructional model.

When and if a schools' instruction model changes, submit to ODE via Smartsheet Link:

<https://app.smartsheet.com/b/form/a4dedb5185d94966b1dffc75e4874c8a>



Exceptions Overview

Exceptions to the General Metrics

The following exceptions are allowable to schools who meet the criteria outlined:

1. Limited In-Person Instruction for specific student groups
2. Small Remote Schools
3. Low Population Density, Large Population County
4. Emergency Waiver for In-Person Instruction at Schools Impacted by Wildfires

Exceptions to the General Metrics

Limited In-Person Instruction

- 1. Limited In-Person Instruction for specific student groups** - allowed statewide as an enhancement of Comprehensive Distance Learning. These conditions should be prioritized:
 - Strong screening measures in place
 - Fully comply with Sections 1-3 of RSSL guidance
 - Fully comply with CDL and LIPI, which includes cohort sizes, times, etc.
 - Consider pausing LIPI when county rates climb

Limited In-Person Updates

Limited In-Person Instruction

- 20 students at a given time in a cohort
- Staff members (even in multiple roles) cannot interact with more than three cohorts
- Removes 250 student limit

Cohort Defined:

[Ready Schools, Safe Learners](#) defines a stable cohort as “a group of students that are consistently in contact with each other or in multiple cohort groups.” One student working with a teacher, by definition, does not constitute a cohort. If teachers are involved in individual 1 to 1 interactions and not cohorts of multiple students, they can still only interact with no more than 60 total students a day.

Exceptions to the General Metrics

Small Remote Schools

2. **Small Remote Schools** - allowed statewide for public or private schools with enrollments of less than or equal to 75 in total who are located in a county that does not meet the General metrics can consider opening to in-person instruction only when and if their LPHA establishes the following criteria have been met:

- Total enrollment of less than or equal to 75 total
- The school is more than 25 miles by the nearest traveled road from any town or city with a population over 3,000 people
- The school is striving for a COVID-19-free start, and ensure strong screening measures are in place.

Exceptions to the General Metrics

Low Population Density, Large Population County

3. **Low Population Density, Large Population County** - allowed statewide for

schools under the following conditions:

- Total county COVID-19 case rate in the 14 days is less than 100.0 per 100,000 in population.
- Schools fully comply with Sections 1-3 of RSSL guidance.
- There is not community spread in the school catchment area.
- There is not community spread in the communities that serve as the primary employment and community centers and the school is isolated by a significant distance from communities reporting COVID-19 spread in the previous two weeks.
- Considerations around test availability and capacity in the community to respond to outbreaks.

Exceptions to the General Metrics

Emergency Waiver for In-Person Instruction for Schools Impacted by Wildfires

4. **Emergency Waiver for In-Person Instruction for Schools Impacted by Wildfires** - waiver available to provide Emergency In-Person Instruction at schools serving communities impacted by wildfires.

Helping counties meet the metrics to return students to school

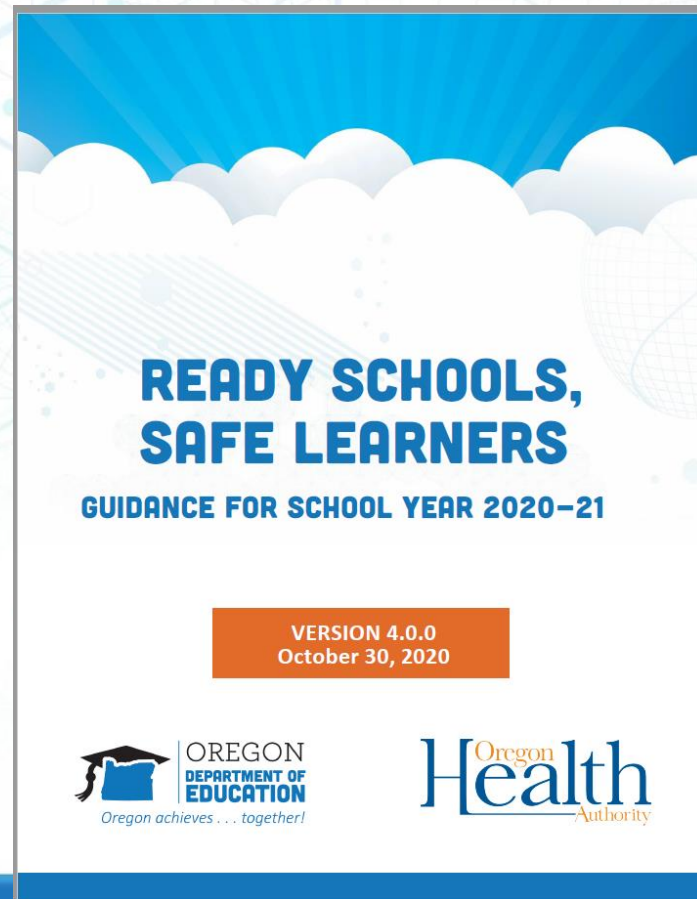


Considering: Counties that are not on-track to offer in-person instruction be issued a *modified* Stay Home Order with the aim of reducing spread so that students can return to school in 2021.

RSSL - Version 4.0.0 Update

Revisions have also been made to the following guidance documents to ensure alignment with the new metrics (section 0 of RSSL) and face covering requirements (section 1h in RSSL), as well as to reflect other timely additions and updates:

- **Ensuring Equity and Access**
- **Comprehensive Distance Learning**
- **Planning for COVID-19 Scenarios in Schools**
- **Limited In-Person Instruction**



Highlighted RSSL Updates

- Contains updated “0 Section” with detail on new health metrics.
- Updates primary symptoms of concern and an exemptions chart.
- Updates face covering guidance requirements to match OHA’s recent changes for all statewide guidance.
- Adds a new supplementary resource on FAPE and face coverings.
- Clarifies several cleaning/disinfecting requirements.
- Updates key definitions on exposures and outbreaks.
- Updates Visual and Performing Arts guidance.
- Aligns to CDC on newer aerosol exposure and close contact definitions

RSSL Update on Exposure

An exposure is defined as an individual who has close contact (less than 6 feet) for longer than 15 *cumulative* minutes *in a day* with a *person who has* COVID-19 case.

RSSL Update on Face Coverings



Face Coverings and FAPE

Supplemental Guidance

- Districts should make provisions for how a general education student without medical concerns will be provided access to instruction when they choose not to wear a face covering.
- Those decisions set the general education context under which individualized determinations related to using a face covering or face shield can be made for students who experience disability.
- Where the general education context works as is for a student's unique needs, it should be used. Where it does not, it must be adapted. The adaptation of that general education context to meet the needs that arise from a child's disability is the heart of the 504 and IEP processes.
- Manifestation Determinations are a mechanism for determining the relationship between a given behavior and a child's disability that are already familiar to IEP teams.
- ODE recommends that IEP teams use this same process to determine whether a child is unable to wear a face covering or face shield as a result of their disability.
- The decision made by the IEP team in this regard impacts the decision-making process for the child's education.

Source document is [here](#).

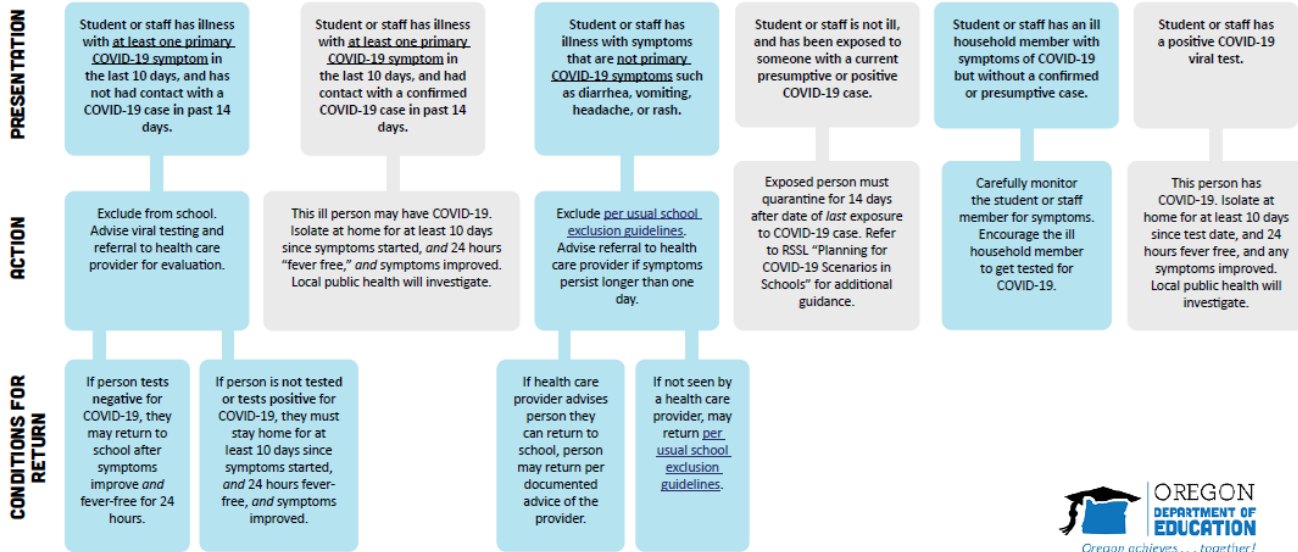
Face Coverings and FAPE

Supplemental Guidance

- If the team determines that the child is able to wear a face covering or face shield but is choosing not to, and that choice is not related to their disability or medical circumstances, that child should be treated in the same manner as a similarly situated general education student without medical concerns who chooses not to wear a face covering or face shield.
- If the team determines that the child is not wearing a face covering or face shield because of their disability or medical circumstances, the appropriate team must:
 - Ensure the child is not excluded because of their medical condition or disability.
 - Determine how FAPE can be provided safely
 - May include the provision of limited in-home services, subject to the conditions under in-person instruction for specific groups of students.
 - No child's placement can be made more restrictive due solely to their inability to wear a face covering or face shield.
 - Review the student's educational program and ensure that any needed changes (e.g., updates to accommodations, present levels, annual goals, or student supports) are appropriately made.

COVID-19 EXCLUSION SUMMARY GUIDANCE FOR K-12 SCHOOLS

Version 10/28/2020



Primary COVID-19 symptoms include the following:

- Fever of 100.4°F or higher
- Chills
- Cough
- Shortness of breath
- Difficulty breathing
- New loss of taste or loss of smell

IMPORTANT DEFINITIONS

Fever free means a temperature less than 100.4°F without the use of fever-reducing medication.

Presumptive case means a person who was exposed to a positive COVID-19 case and has developed symptoms.

Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

Isolation separates a sick person with a contagious disease from people who are not sick.

RSSL Update to Scenario Planning

- Updated to match most recent science and learning from the last 10 weeks.
- Small fixes, including a broken internal link.

Planning for COVID-19 Scenarios in Schools

A Toolkit for School Leaders and
Local Public Health Authorities

Questions...





Students with IEPs

Students eligible for 504
Plans

Students with disabilities

Students who need
additional support

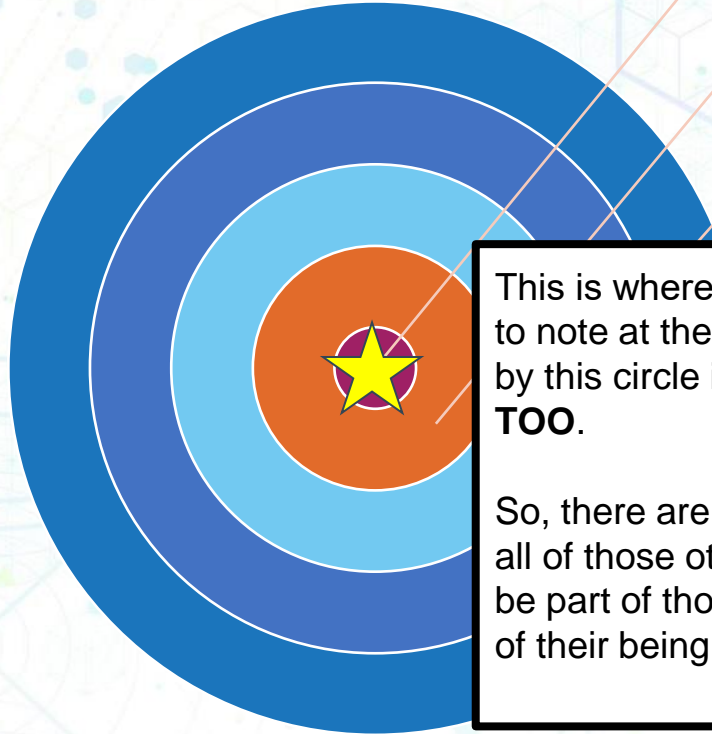
All Students

Students

Students with IEPs

Students eligible for 504
Plans

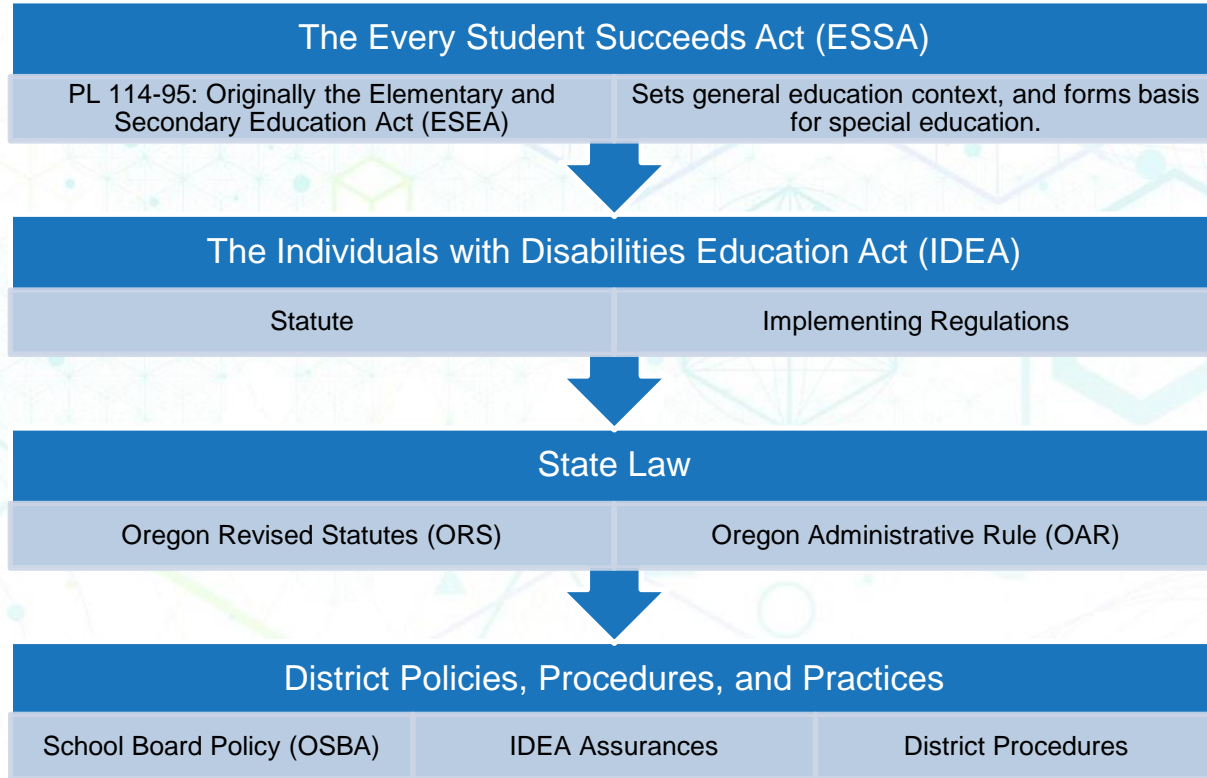
Students with disabilities



This is where our focus will be this session, but it's important to note at the outset that, by definition, a student represented by this circle is situated in **ALL OF THE OTHER CIRCLES TOO.**

So, there are separate processes that govern education for all of those other circles and students with IEPs are entitled to be part of those processes, as appropriate, as well by virtue of their being a student.

Special Education Rules



Special Education Information from ESSA

- The Every Student Succeeds Act (ESSA) is the nation's main education law for all public schools.
- The law holds schools accountable for how students learn and achieve. ESSA aims to provide an equal opportunity for students who get special education services.
- ESSA affects all kids, including those with IEPs and 504 plans.
 - Students experiencing disability are a target group for accountability
 - Call-out for assessment options (AA-AAAAS); in Oregon, this is the Extended Assessment

ACCESS



QUALITY

1970s

Court Cases and Laws Open Doors

Students with disabilities are first recognized as having the *right* to be in school.

1972- PARC v. PA
1975- PL 94-142

1982

Court Establishes FAPE

Board of Education v. Rowley sets standard:

- 1) Schools must follow procedures.
- 2) Educational Benefit

2001

NCLB Counts Students with Disabilities

For the first time, schools were required to include progress for "Students with Disabilities".

2004

IDEA Reauthorized

This is the most recent Congressional reauthorization of IDEA (it's long overdue).

2015

Every Student Succeeds Act

No Child Left Behind is replaced by Every Student Succeeds Act. States are given significant flexibility. Oregon's plan emphasizes equity.

2017

New FAPE: Endrew Decision

Supreme Court raises bar: students must make progress; education is to be appropriately ambitious.

- Zero Reject
- Identification and [Appropriate] Evaluation
- Free Appropriate Public Education
- Least Restrictive Environment
- Procedural Safeguards
- Parental Participation

IDEA, or What it Means to have an IEP.

The IDEA (Individuals with Disabilities Education Improvement Act of 2004) governs special education in the United States.

Students who may be eligible for special education must be **appropriately evaluated** and have eligibility determined. **Procedural Safeguards** apply at this point.

Students who are eligible under IDEA for special education must have an **Individualized Education Program (IEP)** developed.

That IEP must provide the student with a **Free Appropriate Public Education (FAPE)**. FAPE must be provided as close to the regular classroom setting as possible (**Least Restrictive Environment - LRE**).

The IEP Team, including the parents, must make all IEP decisions (**Parent Involvement**).

How does a student become a student with an IEP?

The overly simplified process looks like this:

1. District has reason to suspect a child is or may be a child with a disability who needs special education.
2. District seeks parent consent to evaluate.
3. Child goes through an evaluation.
4. Child meet eligibility criteria, as determined by appropriate team.
5. Parent gives consent for placement in special education.
6. IEP is developed and implemented.
7. Student makes progress, or IEP team comes together to problem solve.

Thereafter, annually, the IEP team comes together to develop a new IEP.

Every three years, the team must decide if new testing is needed.

Appropriate Evaluation

A few important points about evaluation:

1. Evaluations must be valid (i.e., use appropriate instruments, completed by trained and knowledgeable individuals).
2. Evaluations must not be discriminatory (i.e., results must be valid for all demographic groups).
3. Evaluations must be sufficiently comprehensive to determine all of the student's educational needs that are caused by or directly related to their disability.
4. Evaluations must inform the planning process for the student.

Eligibility

1. After a comprehensive initial evaluation is done, the IEP team needs to use the information from that evaluation, and any other relevant data, to determine if a student is eligible for special education.
2. Eligibility can be in a number of areas and is defined by state board rule (Oregon Administrative Rules, or OARs).
3. IEP teams have to base eligibility on how the disability is defined in OAR.
4. Like with all IEP team decisions, only the IEP team can determine eligibility. There is no external force with the ability to make IEP team decisions.
5. A student does not need academic deficits to be eligible. IDEA requires that we look across academic and functional areas that cause the child to require specially designed instruction.

Procedural Safeguards

Procedural Safeguards define the ***processes*** behind IDEA:

- what steps districts need to take
- when districts need to take them

Major Highlights:

- Notice of meetings so parents can participate (as a full and equal partner)
- Written notice of major decisions before they are implemented (Prior Written Notice - PWN)
- Informed consent before the district takes certain actions
- Discipline protections

They also give parents the right to disagree with district decisions, and gives parents and districts options to address disagreement when it occurs.

Individualized Education Program (IEP)

The IEP is the cornerstone of the IDEA and special education.

It is the plan that the school uses to guarantee a student receives an appropriate education.

It is developed by a team - not a school district, or a teacher, or a parent individually.

Among other things, it lays out:

- A. What the student currently knows, understands, and is able to do; where they have challenges or lagging skills because of their disability; and where they are expected to be performing for their age/grade (Present Levels of Academic and Functional Performance)
- B. What the team plans for the student to know, understand, and be able to do in one year's time (Measurable Annual Goals)
- C. The services and supports the student needs to get from A to B (Specially Designed Instruction, Accommodations, Related Services, Supplementary Aids and Services, Supports for School Personnel)

IEP Through Lines



Source: [ODE website](#)

Free Appropriate Public Education (FAPE)

FAPE is the promise that a child's education will mean something.

It's a guarantee that every child, regardless of their needs, will be afforded the opportunity to "master challenging objectives" and have an education that's "appropriately ambitious."

FAPE hinges on a student making progress. The Supreme Court recently defined FAPE (in [Endrew](#)) as:

"An IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

Least Restrictive Environment (LRE)

Directly from IDEA, we read:

Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities...are ***educated with children who are nondisabled***; and

(ii) 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.***

In other words, every child has a presumptive right to be educated in a regular class setting, ***with the supports they require to be successful there.***

That placement changes only via an IEP team decision, when the data shows that it is necessary for the student to receive services and supports that cannot be provided in a regular class setting.

Continuum of Alternative Placements

Less
Restrictive



More
Restrictive

Regular Classes

Special Classes

Special Schools

Home Instruction

Hospitals/Institutions

More
Students



Fewer
Students

Parent/Guardian Involvement

Districts must develop policies and procedures that ensure parents/guardians have the opportunity to be involved in special educational processes.

It is required that the district involve parents/guardians in any decisions regarding a child's placement.

This means providing written notice before any special education related meetings that disclose the purpose(s) of the meeting and who the district is inviting to the meeting early enough that parents can attend. Meetings must be scheduled at mutually agreeable times.

Parents have the right to understand what is happening at the meeting. This means making sure that meetings occur in a language that parents understand.

- IDEA requires that every state has a State Performance Plan (SPP).
- The State Performance Plan documents the state's performance on [indicators for each priority monitoring area](#) within the IDEA:
 - FAPE in the LRE
 - Disproportionality
 - Effective General Supervision, Part B, including Child Find, effective transition and effective general supervision.
- The [IDEA Part B Tree of Influence](#) is one way of thinking about the relationship among these indicators.
- Indicator data is reported for each LEA through the [At-A-Glance Special Education Profiles](#).



Oregon achieves... together!

Students We Serve



803

Total Students in the
Special Education
Child Count

REGULAR CLASS

Students placed inside regular class 80% or more of day.



79.20%

Students

Oregon target - **73.00% or more**

SEPARATE CLASS

Students placed inside regular class less than 40% of day.



11.21%

Students

Oregon target - **10.60% or less**

SEPARATE SETTINGS

Students served in separate public or private schools, residential placements, or homebound/hospital settings.



0.75%

Students

Oregon target - **1.80% or less**

District website: www.msdk12.or.us

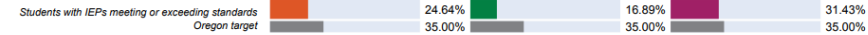
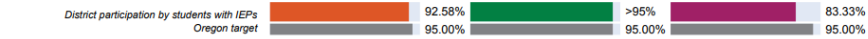
OREGON AT-A-GLANCE SPECIAL EDUCATION PROFILE
McMinnville SD 40

SUPERINTENDENT: Maryalice Russell | 800 NE Lafayette Ave McMinnville 97128 | 503-565-4000
DIRECTOR OF SPECIAL EDUCATION: Lu Ann Anderson | 503-565-4032

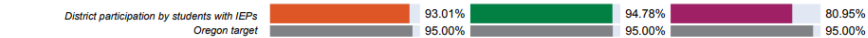


Academic Achievement

ENGLISH LANGUAGE ARTS (ELA)



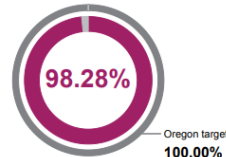
MATHEMATICS



Eligibility Timeline

SPECIAL EDUCATION ELIGIBILITY

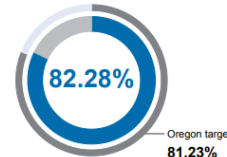
Students with parental consent to evaluate who were evaluated and had eligibility determined within 60 school days.



Improving Services

PARENT SURVEY RESULTS

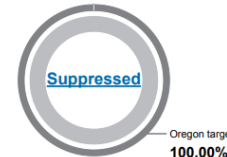
Parents who report schools facilitated parent involvement as means of improving services and results.



Transition

SECONDARY TRANSITION

IEPs in effect when a student turns 16 that include post-secondary goals, transition services, and district evidence of IEP team meeting.



Information Provided by District/Program

*Information was not submitted for this section.

For more information please visit: www.oregon.gov/ode

Equity and Disproportionality

DISTRICT IDENTIFICATION

Suspension/expulsion

Significant discrepancy in rate of suspension/expulsion for more than 10 days



**NO
SIGNIFICANT
DISCREPANCY
FOUND**

Significant discrepancy, by race or ethnicity, for more than 10 days; and, policies, procedures, or practices contributed and do not comply with requirements relating to IEP development and implementation.



**NO
SIGNIFICANT
DISCREPANCY
FOUND**

Students Receiving Special Education Services

Disproportionate representation of racial/ethnic groups in special education resulting from inappropriate identification



**NO
DISPROPORTIONATE
REPRESENTATION
FOUND**

Disproportionate representation of racial/ethnic groups in specific disability categories resulting from inappropriate identification

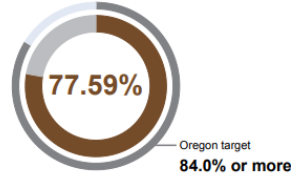


**NO
DISPROPORTIONATE
REPRESENTATION
FOUND**

Academic Success

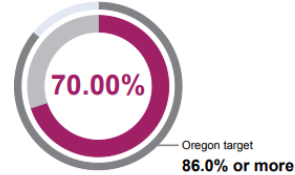
FOUR-YEAR COHORT GRADUATION RATE

Students with IEPs earning a regular or modified diploma within four years.



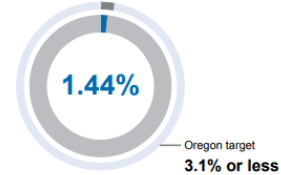
FIVE-YEAR COHORT GRADUATION RATE

Students with IEPs earning a regular or modified diploma within five years.



HIGH SCHOOL DROPOUT RATE

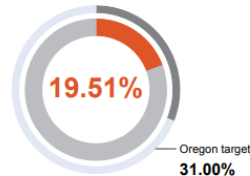
Students with IEPs who drop out.



Outcomes

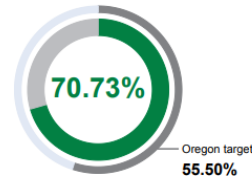
HIGHER ED

Students with an IEP who enrolled in higher education within one year of leaving high school.



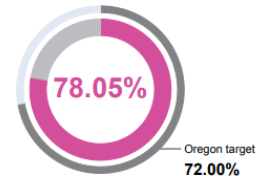
HIGHER ED/EMPLOYED

Students with an IEP who enrolled in higher education or were competitively employed within one year of leaving high school.



HIGHER ED/TRAINING/EMPLOYED

Students with an IEP who enrolled in higher education, enrolled in post secondary education/training or were competitively employed or had other employment within one year of leaving high school.



Individualized Education Program (IEP)

A written statement for a child with a disability that is developed, reviewed, and revised by an IEP Team.

Special Education (SE)

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

Questions...

