

Special Education - Procedural Safeguards

The district provides written notice to the parent of a student or eligible student, within a reasonable period of time, when the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a free appropriate public education.

Parents of students with disabilities may request a due process hearing if the district refuses to initiate or change the identification, evaluation or educational placement of the student or to provide a free appropriate public education to the student.

During the pendency of any administrative or judicial proceeding concerning the identification, evaluation or educational placement of a student or the provision of a free appropriate public education, unless the district and parents of the student agree otherwise, the student involved must remain in his/her present educational placement. In the case of an application for initial admission to school, the student, with the consent of the parents, shall be placed in a program provided or selected by the district until the completion of all proceedings.

The placement may be changed to an interim alternative education setting, for up to 45 school days, due to a weapon, illegal drug or controlled substance incident or due to the infliction of serious bodily injury. The placement may be changed to an interim alternative educational placement by an administrative law judge for substantial likelihood of injurious behavior. The placement may be changed to an interim alternative educational setting for students who are suspended or expelled for more than 10 school days for behavior that is not a manifestation of the student's disability as determined by the student's IEP team.

END OF POLICY

Legal Reference(s):

ORS 343.155
ORS 343.165
ORS 343.177
ORS 343.181

OAR 581-015-0005
OAR 581-015-0039
OAR 581-015-0042
OAR 581-015-0054
OAR 581-015-0063
OAR 581-015-0067
OAR 581-015-0075

OAR 581-015-0079
OAR 581-015-0081
OAR 581-015-0093
OAR 581-015-0094
OAR 581-015-0099
OAR 581-015-0101
OAR 581-015-0102
OAR 581-015-0080

Assistance to States for the Education of Children with Disabilities, 34 CFR Sections 300.500 - 300.505, 300.515 and 300.517 (2000). Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997), as amended 108-446 (2004). P.L. 94-142 is a well-known "short" reference to this federal legislation.

R8/30/05 | JN