

OREGON GUIDELINES FOR HOME SCHOOLING QUESTIONS AND ANSWERS

1.0 NOTIFICATION

1.1 At what age may students be home schooled?

Students may be home schooled at any time. However, in order to comply with the compulsory school attendance law, parents of students between the ages of 7-18 must notify their local Education Service District (ESD) of their intent to home school within 10 days of beginning to home school or withdrawing their child from school or moving to a new ESD region. **ORS 339.030, 339.035, OAR 581-021-0026(4)**

1.2 At what age must a child begin home schooling?

A parent whose child is 7 years old on or before September 1, and who is to be home schooled, must notify the local ESD of their intent to home school their child within 10 days of beginning to home school or moving to a new ESD region. **ORS 339.010, OAR 581-021-0026(4)**

1.3 What about the child who turns 7 after September 1?

Although the child may be home schooled at anytime, it is not necessary to notify the ESD until the beginning of school year following the child's seventh birthday.

1.4 What about the child who is between ages 8 and 18?

The parent must notify the ESD of their intent to home school within 10 days of withdrawing the child from school. **OAR 581-021-0026(4)**

1.5 What happens if a parent withdraws a student from school with the intent to home school and the parent does not notify the ESD within 10 days?

A student who is withdrawn from school and is not registered with the ESD as being home schooled within 10 days of being withdrawn is truant. Any gap of more than 10 days between withdrawal and registration equals truancy. **OAR 581-023-0006(4)(b)**

1.6 At what grade level will this child be tested?

Home schooled children must be tested before the end of grades 3, 5, 8, and 10. The end of the grade is defined as before August 15 following the end of that school year. **OAR 581-021-0026(5)**

1.7 Who determines what grade a child is in when notifying the ESD of their intent to home school?

The rule presumes that a parent's notification of their intent to home school a child at age 7 will begin with the first grade, unless the parent specifically notifies the ESD that the child started first grade earlier. The testing requirements will be based on that presumption unless otherwise notified by the parent. For example, a student who was 7 on September 1, 1998 will be considered to be in 3rd grade for the school year beginning September 2000. The parent could specify that the child actually began home schooling as a first grader the fall when the child was 6, and would now be in 4th grade. **OAR 581-021-0026(6)**

1.8 What if parents do not notify the ESD of intent to home school their child?

The compulsory school attendance law requires that all students between the ages of 7-18 years attend public school or be exempted as allowed by law in **ORS 339.030**. One of the options is home schooling [**ORS 339.030 (1)(c-d)**]. If a child is not in school and is not exempt under one of the provisions of the compulsory school attendance law, the child's parent may be reported by the school district as in noncompliance with the compulsory school law and court action may follow.

1.9 Does the parent need to notify the ESD each year?

No, a parent is only required to notify the ESD when the student is first withdrawn from school or otherwise begins home schooling or if the student moves to a new ESD.

OAR 581-021-0026(4)

1.10 Does a parent have to notify the school district of their intent to home school?

No. Parents are not required by law to provide advance notification to their local school district of intent to educate their children at home. **OAR 581-021-0026(4)**

1.11 Student A was home schooled for 3rd grade and attended public school for 4th grade. If Student A's parents decide to home school for 5th grade, do they have to register again with the ESD?

Yes. Parents or guardians are required to register a child as home schooled when they withdraw the student from the public school intending to home school. There is no exemption for students who may have previously been home schooled.

OAR 581-021-0026(4)

1.12 Are students who are schooled at home by a parent or private teacher using materials from a "correspondence school" required to register as home schooled students?

Yes. Students taught by a parent, legal guardian or private teacher at home using materials purchased from a "correspondence school" are considered to be home schooled and must register as required in **OAR 581-021-0026**. The exemption under **ORS 339.030(1)(a)** requires that the student be "in attendance" in a private or parochial school. Further, the definition of "private school" as set out in **ORS 345.505 (2)** specifically excludes from that definition the option for home schooling under **ORS 339.030 (1)(c and d)**.

1.13 What should the parent do if they move or their child begins attending a public or private school?

Homeschooling parents must notify the new ESD in writing if they move to a new ESD and continue to homeschool. Parents are encouraged to notify the ESD if they enroll their child in a public or private school. **OAR 581-021-0026(4)**

2.0 EDUCATIONAL MATERIALS, CURRICULUM, AND SUPPORT

2.1 How do parents know what to teach?

Required testing for home school students focuses on satisfactory progress in academic areas. Academic content standards and curriculum goals have been developed by the Department of Education and are available on the department's website. These content standards provide a framework for all content areas and are arranged as standards for grades 3, 5, 8, and 10. The department's website address is www.ode.state.or.us. Parents are not required to use the state content standards and may teach programs other than those taught in public school. A list of support groups and test publishers has been included in the appendix.

2.2 Where do parents get educational materials?

ESDs and local school districts are not required by law to provide educational materials or services for students who are being home schooled. Acquisition of these materials is the responsibility of the parent. However, some school districts may be able to provide materials on loan. A deposit may be charged. Various instructional materials and other resources are available on the Department of Education's website.

2.3 Is the ESD or local school district required to provide educational services; i.e., academic classes, math, foreign language, band, etc., to home school students?

No. A school district may allow home school students to attend academic classes, but is not required by law to do so. A home school student who attends classes in a local school district is subject to the same rights and responsibilities as any student enrolled in the district.

2.4 May materials from a correspondence school program be used for home school instruction?

Yes. Parents may purchase instruction materials from any source, including a correspondence school. See Question 1.12.

2.5 May a home schooled child participate in interscholastic activities?

Yes, as long as the following statutes and administrative rules are followed: ORS 339.460, Interscholastic Activities; OAR 581-021-0034, Administration of Interscholastic Activities; and OAR 581-021-0033, Interscholastic Activities Eligibility Requirement for Home School Students. Interscholastic activities include those activities administered by the Oregon School Activities Association (OSAA).

Home schooled students must be tested every year and must score at or above the 23rd percentile to be eligible to participate in interscholastic activities. Assessment scores must be submitted annually to the school district by the student's parent or legal guardian. A school district may adopt alternative methods to determine eligibility, including a portfolio of work samples.

Parents or guardians should contact the school district athletic director and the OSAA for specific eligibility requirements. The home school parent is responsible for any fees charged for participation in such activities.

3.0 TESTING INFORMATION

3.1 Must home schooled students be tested?

Yes, home schooled students must be tested at grades 3, 5, 8, and 10.
OAR 581-021-0026(5)

3.2 When must the tests be administered?

If the child never attended public or private school, the child must be tested before August 15 following the end of grade 3. OAR 581-021-0026(5)(a)(B)

If the child was withdrawn from public or private school, the first test is not required in the first 18 months of home schooling even if the child is in grade 3, 5, 8, or 10. OAR 581-021-0026(5)(a)(A)

For example, if a student completed grade 4 in a public school and was then withdrawn to be home schooled, the student would not be required to be tested at grade 5 because grade 5 is within the 18 month period. The child would not be required to be tested until August 15th following grade 8.

3.3 Which tests may be used?

The home schooling administrative rules list tests that may be given to home schooled students. Parents or guardians must make sure that their home schooled child is tested using a test from the following list that is appropriate for the child's grade level. The two most recent editions of these tests are currently approved for testing a home schooled child.
OAR 581-021-0026(1)

- California Achievement Test
- Comprehensive Test of Basic Skills
- Iowa Test of Basic Skills/Test of Achievement and Proficiency
- Metropolitan Achievement Battery
- Stanford Achievement Test Battery

The Oregon State Assessment no longer meets the requirements under the law that requires that tests be nationally normed. While there is a method to convert Oregon State Assessment scores to allow comparison with nationally normed tests, the OSAT is not nationally normed.

Students who are on an individualized education plan (IEP) or a privately developed plan (PDP) may use the Oregon State Assessment if that assessment is specified in the IEP or PDP. OAR 581-021-0029(3)(c)(B)

3.4 Who is authorized to administer the tests?

The test examiner must be a "neutral person" and one who is "qualified" to administer such tests. A "neutral person" is defined as an individual who is selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child. A "qualified person" is defined in OAR 581-021-0026 (1)(i) as a person who:

- Holds a current personnel service license or teaching license from Oregon Teacher Standards and Practices Commission; or
- Has been licensed by the Oregon Board of Psychological Examiners; or
- Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (1)(a) of this rule; or
- Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or
- Has previously qualified as a tester pursuant to paragraph (1)(i) of this rule, and has during the previous year administered at least one test from the list set forth in section (1)(a) of this rule.

A list of qualified persons is on file at each ESD and at the Department of Education.

3.5 Who is responsible for the cost of testing?

The parent or guardian. OAR 581-021-0026(10)

3.6 Will the ESD or local school district administer the test to the student?

Testing home school students is usually done by independent test examiners. ESDs and school districts as governmental entities do not usually administer tests for home schooled students. Some local school districts do allow testing of home-school students with their regular students. Results of tests given in the local school district may be submitted as home schooling tests. The test must be from the approved list and must be administered and submitted according to the approved timeline. It is up to the local school district to decide whether to include home schooling students in the district testing program. The local school district or ESD may charge for individual testing services.

3.7 How does a person get on the list of qualified examiners?

The Oregon Department of Education (ODE) reviews requests from persons who believe they meet the requirements of OAR 581-021-0026(1) i)(A-E) (see Question 3.4). The requests describe how the person meets at least one of the qualifications in the rule and also includes copies of the appropriate evidence, such as a copy of a current teaching license. The Department maintains a database of qualified testers and prepares a list from the database each year that is sent to each ESD.

3.8 What do parents or guardians need to do with the test results?

If the ESD requests that the test results be submitted, parents or guardians must submit the results of the test to the ESD within a reasonable period of time. OAR 581-021-0026 (5)(c) Just because an ESD does not request test results one year, does not guarantee that the ESD will not request the results at another time. Parents or guardians should maintain a cumulative record of the test results for each home schooled child.

3.9 How will the results of the test be evaluated?

A student must score at or above the 15th percentile on one of the approved tests, or score equal to or greater than the composite score on the previous test.
OAR 581-021-0026(7)(a-b)

3.10 What if the student does not meet the performance requirements on the test?

If a student at grade 5 does not meet the performance requirement on the test given following grade 5, the student will be required to be tested again after grade 6. If the results of the test given following grade 6 are below the performance requirement, but do not show a decline from the grade 5 test, the student meets the performance requirement and the student will not be required to be tested again until grade 8. If the results of the grade 6 test show a decline from the grade 5 results, the student will be required to be tested again following grade 7 **and the ESD superintendent may require the parent or guardian to place the student under the supervision of a licensed teacher at the expense of the parent. OAR 581-021-0026(7)** If the results of the grade 7 test continue to show a decline, **the ESD superintendent may:**

- **allow the student to continue under the supervision of a licensed teacher and be tested again at grade 8; or**
- **allow the student to continue to be home schooled and be tested again at grade 8; or**
- **order the student back to school for no more than 12 consecutive months.**

3.11 Are there any penalties for not adhering to these procedures?

Yes. Students between the age of 7 and 18 are required to attend public school under **ORS 339.010**. Every person "having control of any child between the ages of 7 and 18" is required to send the child to public school under **ORS 339.020**. **ORS 339.030** sets up several exemptions to the requirements that children attend and parents send children to public school. There is an exemption for children who are taught at home. The specific requirements for home schooling are set out in **ORS 339.035**. Violation of either **ORS 339.020** or **ORS 339.035** is a Class C violation that carries a fine of up to 150 dollars. **OAR 581-021-0026(12)**

4.0 CREDITS, RECORDS, DIPLOMAS, INTERSCHOLASTIC ACTIVITIES, ETC.

4.1 If home-school students return to their public school, is that school required to accept credits for homeschool education?

Oregon law allows school districts to develop policies and procedures to review a home schooled student's transcript and/or work samples to determine if credit can be awarded. Districts are not required to award credit for homeschool work. Therefore, the acceptance of high school credit earned in a home school program is determined by local district board policy. **OAR 581-021-0210**

4.2 Where will the student's permanent public school records be kept?

These records will be kept in the last public/private school attended. Home-school records and documentation will not be a part of the student's permanent public school records.

4.3 Will homeschool students receive a high school diploma?

No. ESDs do not award diplomas to home schooled students nor do high schools generally award diplomas to home schooled high school students. Parents may, however, contact their local high school regarding local district policies, if any, on accepting credits toward a public high school diplomas, participating in graduation, and other related matters.

4.4 Can a home schooled student participate in the General Educational Development (GED) program? If so, when?

Yes. An applicant, who is at least 16 years of age, but not yet 18 years of age, may take the GED tests under certain circumstances. Specific GED information may be found at:

<http://www.ode.state.or.us/cifs/ged/gedqanda.pdf>

OAR 589-007-0400, General Educational Development Program and Certificates of High School Equivalency states in subsection (7)(b)(A)(ii) that "the Education Service District must certify to authorized Oregon GED Chief Examiner that the applicant is exempt from compulsory school attendance" because the student is being home schooled as provided in **ORS 339.030 (1)(c and d)**. The ESD must be an approved GED option site to certify that 16 and 17 year old students are eligible to test.

The ESD/Parent Assurance Form and the GED Testing Auhorization Form (purple bubble sheet), which are provided by the ESD, are both required to certify to the authorized Oregon GED Chief Examiner that the applicant is exempt from compulsory school attendance and eligible for GED Testing.

5.0 SUPPORT AND ASSISTANCE

5.1 Are there local support groups that provide assistance to prospective home schooling parents?

These exist in some locations. Addresses and email, where available, for home school support groups are listed on the website and at the end of this document. **The Oregon Department of Education does not endorse these groups.**

ASSOCIATIONS AND SUPPORT GROUPS

National Home Education Network (NHEN)

PO Box 7844
Long Beach, CA 90807
Fax: 413.581.1463
<http://www.nhen.org>

Oregon Home Education Network (OHEN)

PO Box 218
Beaverton, OR 97075-0218
Phone: 503.321.5166
<http://home.teleport.com/~ohen/>

Oregon Christian Home Education Assn. (OCEAN)

2515 NE 37th
Portland, OR 97212
Phone: 503.288.1285
<http://www.oceanetwork.org>

Greater Portland Homeschoolers

PO Box 82265
Portland, OR 97282
503.241.5350
<http://www.gphomeschoolers.org>

Please contact the individual publishers for information regarding the two most recently published tests as per OAR 581-021-0026.

TEST PUBLISHERS

California Achievement Test

TerraNova, CAT

Comprehensive Tests of Basic Skill

TerraNova, CTBS

CTB/McGraw-Hill Order Services Center
20 Ryan Ranch Road
Monterey, CA 93940
800.538.9547
Web Link: www.mhteacher.com

Iowa Tests of Basic Skills

Iowa Test of Education Development
Test of Achievement and Proficiency

The Riverside Publishing Company
Customer Service
425 Spring Lake Dr.
Itasca, IL 60143
800.323-9540; Fax: 630.467.7192
www.riverpub.com

Metropolitan Achievement Battery

Metropolitan Seventh Edition
Metropolitan Eight

Stanford Achievement Test Battery

Sat Ninth Edition (SAT9)

Psychological Corp.
PO Box 708912
San Antonio, TX 78270
800.211.8378--for testing materials

6.0 STUDENTS WITH DISABILITIES

6.1 Are there special rules for home-schooled students who are disabled or suspected of being disabled?

Yes. A special administrative rule, OAR 581-021-0029, addresses the needs of home-schooled students with disabilities.

Home School Testing Requirements

6.2 Do the home school testing requirements apply to children with disabilities in the same way as to nondisabled children?

No. Under state law, children who are home schooled must be examined at certain grade levels. If the student's composite test score places the child below the 15th percentile based on national norms, additional testing and other steps may be required. This requirement may not be appropriate for some children with disabilities. State law provides that children with disabilities be evaluated for "satisfactory educational progress" according to the recommendations of an individualized educational program (IEP) or privately developed plan (PDP).

6.3 What is "satisfactory educational progress"?

"Satisfactory educational progress" means "educational progress across academic and/or developmental areas appropriate to the child's age and abilities." State regulations specify that the student does not have to meet all of the IEP or PDP goals for the team to determine that the student is making satisfactory educational progress.

6.4 What is a "privately developed plan"?

State law permits parents of children with disabilities to home school in accordance with a "privately developed plan". ORS 339.035(5).

State regulations define a privately developed plan (PDP) as "an individual plan developed by a team including the parent and one or more private service providers to address the educational needs of a child with a disability. A PDP shall include individual educational goals for the student and a statement indicating how satisfactory educational progress will be determined for the student." OAR 581-021-0029(1)(d).

School district and ESD staff are not involved in the selection of the PDP team or approval of a PDP.

6.5 How is satisfactory educational progress determined for home schooled children with disabilities?

Same tests/same percentile: In some cases, an IEP or PDP team may decide that the standard tests and performance requirements (at or above 15th percentile) are appropriate for a child with a disability. This may be the case for a child with an emotional disturbance whose academic performance on a standardized test is not impacted by the child's disability. The standard tests may also be an appropriate measure of progress for a child with an articulation disorder, or for a child with a physical impairment and no cognitive impairment. If so, this decision should be documented on the child's IEP or PDP.

Same tests/different percentile: In some cases, an IEP or PDP team may decide that the standard tests are appropriate but that a different performance requirement is appropriate. The team may decide that performance at or above the 10th percentile (or some other figure) would be an appropriate standard of educational progress for a particular student. The team would need to consider the student's present level of performance, and the impact of the student's disability on that performance, in deciding what specific standard would be appropriate for the student. The decision should be documented on the child's IEP or PDP.

Different test or measure: An IEP or PDP team may decide that an individual standardized achievement test, such as the Woodcock-Johnson Psychoeducational Battery, or a developmental criterion-referenced test, such as the Brigance, would be an appropriate measure of the child's progress "across academic and/or developmental levels appropriate to the child's age and abilities." In some cases, an IEP or PDP team may decide that performance-based measures would be appropriate for a student. This decision needs to be documented on the child's IEP or PDP.

The team also needs to decide what standard would be appropriate to apply to the student's performance. This may require establishing a baseline to measure "progress" against. Then the team needs to calculate when the next test or measure would be given, and project what amount of progress should be expected based on the child's age and ability during that time.

6.6 How often must home schooled children with disabilities be tested for satisfactory educational progress?

The same testing schedule applies to disabled and non-disabled children. At a minimum, children who are home schooled must be tested at grades three, five, eight and ten.

If a child with a disability does not make satisfactory educational progress at grades three, five, eight and ten, the child must be tested within one year. If that test shows a declining score, the ESD superintendent may allow the child to continue home schooling, or require the parent to place the education of the child under the supervision of a licensed teacher.

If the next years' test continues to show a declining score, the ESD superintendent may require additional testing or supervision or may order the parent to send the child to public school for up to 12 months.

6.7 Can a child with a disability be ordered back to school?

Yes, but only after the same sequence of actions that are applied to nondisabled children who test below the 15th percentile. (See Question 5.6)

6.8 Who is responsible for the testing to determine satisfactory educational progress?

If the student has an IEP, and the IEP calls for a test that is not listed under OAR 581-021-0026, the school district will administer the test at no cost to the parent, as long as the child is participating in other IEP services.

If a child has an IEP but the IEP states that the student will take one of the tests listed in OAR 581-021-0026, the parent is responsible for arranging for and paying for the test.

If a child has a PDP, the parent is responsible for arranging for and paying for any tests or assessments.

If a child with a disability does not have an IEP or a PDP, the parent must arrange for and pay for testing under OAR 581-021-0026.

Some school districts or ESDs may make one or more tests listed in OAR 581-021-0026 available to parents at no cost or at a reduced cost.

6.9 Who is responsible for reporting test results to the ESD?

The parent or guardian. If the school district administers the test or other assessment for a student with a disability in accordance with an IEP, the district will report the results to the parents or guardians, including a summary statement indicating whether the child has made satisfactory educational progress in light of the child's age and disability. The summary statement should be signed and dated by the member(s) of the IEP team who participated in the assessment of satisfactory educational progress. The parents or guardians are responsible for retaining this information and providing it to the ESD upon request.

If parents obtain testing in accordance with a PDP, the PDP team must complete the assessment, and provide the parent with a copy of the assessment results, including a summary statement indicating whether the child has made satisfactory educational progress in light of the child's age and disability. The summary statement should be signed and dated by the member(s) of the PDP team who participated in the assessment of satisfactory educational progress. The parents or guardians are responsible for retaining this information and providing it to the ESD upon request.

6.10 Who is considered a "child with a disability" for the purposes of a privately developed plan?

(1) Children who are identified through the school district as having one of the disabilities under the IDEA. This includes children with:

- **an autism spectrum disorder**
- **a communication disorder**
- **deafblindness**
- **an emotional disturbance**
- **a hearing impairment**
- **mental retardation**
- **an orthopedic impairment**
- **an other health impairment**
- **a specific learning disability**
- **a traumatic brain injury**
- **a vision impairment**

(2) Children who have a mental or physical impairment which substantially limits one or more major life activities are considered disabled under Section 504 of the Rehabilitation Act. Parents who believe that their child is disabled under Section 504 may be required to provide documentation of disability upon request by the ESD.

Child Find

6.11 How will a school district learn that a child with a disability is being home schooled?

A parent may tell the school district directly, or provide this information to the ESD when the parent notifies the ESD of the child's home schooling status.

If the ESD learns that a child with a disability is being home schooled, the ESD must notify the child's resident district.

The ESD also notifies school districts, at least annually but sometimes more often, of which students in the district are being home schooled. School districts must have a process for reviewing this list to determine whether any of the students are eligible students with a disability.

6.12 What are the school district's responsibilities when it learns that a child with a disability is being home schooled?

For children who have been identified as having a disability under the Individuals with Disabilities Education Act (IDEA), the school district must provide written notice that:

- (a) The district stands ready to provide special education and related services if the child is re-enrolled in the district; and
- (b) The district offers an IEP meeting to consider continuation of special education and related services to the child with a disability in conjunction with home schooling.

6.13 What happens if the school district suspects that a home-schooled child may have a disability? What is their legal responsibility?

The first step would be to designate a team to determine whether an evaluation should be conducted. This team needs to include the parent and at least two professionals, at least one who is a specialist knowledgeable and experienced in the evaluation and education of students with disabilities.

If the team suspects a disability, the team then decides what type of evaluation is needed, and seeks written parent consent for that evaluation.

If, after consideration, the team does not suspect a disability, the team provides prior written notice to the parent that an evaluation will not be conducted, and explain the reasons for this decision.

6.14 What if the parent refuses consent for an initial evaluation?

If the parent(s) refuses to grant permission for an evaluation, does not respond, or refuses to make the student available, the school district must document this refusal and state that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.

Special Education Services

6.15 If a child with a disability is home-schooled, does that child have access to special education and related services from the school district?

Yes, but only if the child's IEP team determines that an IEP providing free appropriate public education (FAPE) can be developed in conjunction with home schooling. This will depend on the individual circumstances and the student's special education needs.

6.16 Is a free appropriate public education (FAPE) considered the same way for a home schooled student as for other students in the school district?

Not exactly. FAPE means special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge to the parent;
- Meet state standards and the requirements of state and federal special education laws;
- Includes elementary or secondary school education in the state; and
- Are provided in conformity with an IEP that meets state and federal requirements.

In Oregon, children who are home schooled by their parents are exempt from public elementary or secondary school education. In other words, parents assume responsibility for this component of the child's education. So, in considering FAPE, the IEP team acknowledges that the parent has chosen to home school the child in relation to elementary or secondary school education, but the team does not evaluate or consider the appropriateness of this choice. Given home schooling (for regular education), the team considers what special education and related services are necessary for the child, and whether those services can be effectively provided in conjunction with the parent's choice to home school.

The parent continues to assume this responsibility for elementary or secondary school education as long as the parent complies with testing and other state requirements for home schooling and the ESD has not required the student to return to school due to lack of satisfactory educational progress.

6.17 What is an individualized educational program (IEP)?

An IEP is a written, individualized program for the child that is developed by an IEP team. The IEP for a home schooled child has the same content requirements as other IEPs. The school district must use the Oregon Standard IEP form or, if approved, the district's alternate IEP form.

The IEP includes:

- information about the child's present level of educational performance;
- measurable goals and objectives;
- a list of the special education services and related services to be provided to the child and the anticipated amount, frequency, and beginning and ending dates for these services;
- a list of the supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child, and the anticipated amount, frequency, and beginning and ending dates for these services and modifications;
- a list of any necessary modifications or accommodations in the administration of state or district-wide assessments;
- an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, and in extracurricular and other nonacademic activities;
- a statement of how the child's progress toward annual goals will be measured, and how the parents will be informed of that progress at least as often as parents of nondisabled children are informed of student progress; and
- a statement of transition service needs (for students age 14 and older) and transition services (for students age 16 and older).

For home schooled children with disabilities, the explanation of non-participation would state that the student is exempt from compulsory school attendance and regular education is provided by the parent through home schooling.

Under state law, the IEP for a home schooled child must also include a statement about how "satisfactory educational progress" will be determined. See Questions 5.2 to 5.9.

6.18 Who is on the IEP team?

The IEP team always includes the parent(s), and in most cases, a regular education teacher of the child. The IEP team will also include a special education teacher or provider and a district representative. The child must be invited if transition is to be discussed (at least by age 14) and may be invited earlier than this. Sometimes the IEP team includes representatives of other agencies, and other individuals invited by the parent or the district.

For home schooled students, the student's parent is treated as the parent and regular education teacher of the child unless the parent designates another person as the regular education teacher, or unless the IEP calls for participation in the school district's regular education program.

6.19 How is special education placement determined for a home schooled child with a disability?

Placement is determined the same way as for children in the school district. The decision is made by a group of people, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

To the maximum extent appropriate, children with disabilities must be educated with children who are not disabled. Placement must be based on the child's IEP, determined at least annually, and be as close as possible to the child's home. Unless the child's IEP requires some other arrangement, the child must be placed in the school that he or she would attend if not disabled.

School districts must have a continuum of placement options available as necessary to implement a child's IEP. These options include: instruction in regular classes; instruction in regular classes along with supplementary aids and services (such as resource room instruction or educational assistant support); instruction in special classes; special schools; home instruction; and instruction in hospitals and institutions.

For children with disabilities who are home schooled, placement is considered only for the special education and related services on the IEP. The school district does not place the child in home schooling or consider the parent's choice to home school.

6.20 Can special education and related services be provided to a home schooled child in the child's home?

Yes, but only to the same extent as if the child were enrolled in the public school. School districts must ensure that special education and related services are provided the child in

the “least restrictive environment.” This standard applies to all children with disabilities receiving IEP services.

6.21 What is a school district required to do if a parent refuses or does not respond to the district's offer to hold an IEP meeting to consider continuation of special education and related services to their child?

The school district must provide notice to the parents that the school district stands ready to provide special education and related services if the child re-enrolls in the public school. This notice must be provided at least annually as long as:

- The child remains eligible for special education;
- The child is exempt from compulsory school attendance as a home schooled student; and
- The student is not receiving special education and related services from the district.

6.22 What can a parent do if the parent disagrees with an IEP team decision that appropriate special education services cannot be provided in conjunction with home schooling?

The parent may attempt to resolve the disagreement through mediation or local alternative dispute resolution programs. These are voluntary, and the school district may or may not agree to participate. More information about mediation is available from the Office of Special Education, (503) 378-3598, ext. 637.

The parent may send a letter of complaint to the Oregon Department of Education under OAR 581-015-0054. Letters of complaint should be addressed to:

Superintendent Stan Bunn
Oregon Department of Education
Public Services Building
255 Capitol Street NE
Salem, OR 97310-0203

More information about the Department’s complaint resolution process is available from the Office of Special Education, (503) 378-3598, ext. 637.

The parent may not request a due process hearing to resolve this disagreement. Due process hearing procedures are available for disagreements about eligibility.

6.23 What should a school district do if an IEP has been developed for a child in conjunction with home schooling, and the parent wants to delay implementation or later refuses services during the implementation period of the IEP?

The school district should make attempts to contact the parent personally to find out more about the situation. Ultimately, the school district should document in writing to the parent that the district stands ready to implement the IEP or to hold an IEP meeting to consider any changes in the child’s special education needs. Then the district should provide annual notice as described in question 5.21.

Because the child is exempt from compulsory school attendance as a home schooled child, the district cannot enforce attendance through truancy procedures.

6.24 Are home schooled children with disabilities considered parentally-placed private school children in Oregon?

No. The Oregon Legislature has a special statute for home schooled children.

6.25 Must a school district develop an IEP for a home schooled child with a disability with a PDP?

No. However, the school district must still offer an IEP meeting. See question 5.12.

6.26 Must children with disabilities who are home schooled be reevaluated at least every three years in the same manner as children with disabilities in public school?

Yes. The three year reevaluation requirement applies to home schooled children with disabilities. The first step in reevaluation is consideration of existing data. If the IEP team (including the parent) concludes that existing data is sufficient to continue eligibility for special education, additional testing may not be necessary. The IEP team may decide that additional testing is necessary for other reasons, such as to determine present levels of educational performance, to address any lack of expected progress toward IEP goals or in the general curriculum, or for other reasons.

6.27 What if a parent refuses consent for reevaluation?

If the team determines that specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the child's IEP, and the parent refuses consent for this evaluation or refuses to make the child available, the district must document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the child available.

If the district does not have sufficient evaluation information to determine eligibility or to develop an appropriate IEP, the district is not required to complete these activities. The district must give prior written notice if the district terminates eligibility or services under these circumstances.

6.28 Is there any service obligation to a home schooled child if the parent has declined the services specified on the IEP proposed by the district's IEP team?

No. There are no state or federal requirements for service obligation in such a situation. Home schooled children do not have a service plan obligation similar to those for parentally placed private school children under the IDEA.

Funding Issues

6.29 May a district count a student with disabilities who is home schooled and receiving IEP services from the district on the Special Education Census?

Yes, if the student has a current eligibility, a current IEP, and is receiving special education services from the district.

6.30 Will the district receive basic school support (ADM) for a student with disabilities who is home schooled and receiving IEP services from the district?

Yes. The ADM would be available to the same extent as for a student with disabilities in the district.

6.31 Will the district receive weighted basic school support (ADMw) for a student with disabilities who is home schooled and receiving IEP services from the district?

Yes. The ADMw would be available to the same extent as for a student with disabilities in the district, but would be pro-rated according to the amount of time the student is actually receiving services from the district.

6.32 Is the home schooled student reported by the district if the student is not receiving special education services ?

No.

6.33 Is the home school student to be reported as a private school student?

No.

Part-time Attendance

6.33 Can children with disabilities who are home schooled participate in one or more classes at a public school in their district?

The answer depends upon the school district's policies and practices. The state does not require school districts to permit part-time attendance for home schooled students. However, if a school district does permit part-time attendance of home schooled children in its regular education program, the district must permit children with disabilities to participate to the same extent, if appropriate, whether or not the child is receiving IEP services from the district.

If the child is receiving IEP services from the district, the IEP team will determine the appropriateness of the child's participation in regular education, consistent with the school district's policies and practices, and the IEP will include any necessary modifications and accommodations related to the participation.

If the child is not receiving IEP services from the district, the district must consider the participation, and any necessary modifications and accommodations for the child, under Section 504 of the Rehabilitation Act and in light of the district's policies and procedures.

A child who is home schooled and attends one or more classes in the school district is still considered a home schooled student.

Transition Back to School

6.34 What steps should the school district take if a home schooled child with a disability returns to public school?

In most, if not all cases, the district should schedule an IEP meeting as soon as possible (e.g. immediately or within ten days of returning to school), to review the current IEP and revise it as appropriate, or to develop an IEP for the student. The IEP team will need to get current information from the parent about the child's performance, and may need to arrange for additional testing to determine present levels of performance and current educational needs of the child. The IEP should no longer state that the student is home schooled, and the team will need to address participation in regular education and any necessary modifications and accommodations or supports for school personnel, etc.

ex a m p l e s

Larry

Larry is 8 years old in second grade. He has a specific learning disability in reading and written language, and was found eligible for special education in May of his first grade year. Larry’s progress in other academic areas is not affected by his learning disability. The IEP that was developed at the end of first grade provided for five hours per week of specially-designed instruction in reading, and five hours per week of specially-designed instruction in written language. The IEP identified the anticipated location for these services as the learning resource center (LRC). His parents withdrew him for home schooling at the beginning of second grade.

In September of second grade, the special education teacher learns that Larry is not returning to school because he is being home schooled. After consulting with the special education director, the teacher telephones Larry’s parents to let them know that the teacher is sending a letter about Larry’s special education services, and to please call if they have any questions about the letter. The teacher then sends Larry’s parents a letter telling them that the district stands ready to provide special education services to Larry if they decide to re-enroll him in the district. The letter also offers an IEP meeting to consider providing special education services to Larry in conjunction with home schooling.

| <p>If Larry’s parents do not respond to the letter, or call or write the teacher and say “no thanks” to services:</p> | <p>If Larry’s parents respond to the letter by saying they want an IEP meeting to consider continuation of special education services:</p> |
|---|--|
| <p>The district will send a similar letter to the parents annually, as long as Larry is eligible for special education.</p> <p>When it is time for Larry’s three-year reevaluation (due in May of fourth grade), the district will send a letter offering an evaluation planning meeting to review existing information and determine what additional information is needed to determine eligibility or to develop an IEP for Larry.</p> <p>If the parents refuse this evaluation, or do not cooperate with making Larry available for the evaluation, the district is not required to complete the evaluation.</p> <p>If the district terminates eligibility because it does not have enough information to determine continuing eligibility, the district will send prior written notice of termination of eligibility.</p> | <p>The district will schedule an IEP meeting with Larry’s parents.</p> <p>The IEP team reviews Larry’s IEP from the end of first grade and determines that the special education services could be provided in conjunction with home schooling. The team makes only a few minor changes to the IEP (e.g. indicating that he will not be participating in regular education because the parent is home schooling him and he is exempt from compulsory school attendance).</p> |

No test is required for 18 months – which would be until March of third grade. Third grade is a testing year, so the IEP or PDP team needs to project what progress should be expected from Larry, across all “academic and/or developmental levels appropriate to the child’s age and abilities.”

| If Larry is not getting IEP services from the district . . . | If Larry is getting IEP services from the district . . . |
|---|--|
| <p>The parent must either use the regular tests with Larry, or arrange for a PDP for Larry. The PDP must include a statement of how satisfactory progress will be determined for Larry.</p> | <p>The IEP needs to address how “satisfactory educational progress” will be determined for Larry.</p> <p>The IEP team believes that the regular home schooling tests would be unfair because Larry’s low reading and written language scores (affected by his disability) would depress his composite test score. Also, the paper/pencil format of the test would be difficult for him, and would not accurately assess his knowledge/progress in the other areas. The team decides that an individual achievement test such as the Woodcock-Johnson would be an appropriate measure of progress. At the time of the initial eligibility evaluation, Larry performed at the 2nd percentile on the composite reading scale, 60th percentile in math, and 80th percentile on general information. The team agrees that because Larry’s math and general knowledge scores are not impacted by his disability, the same 15th percentile that applies to all students who are home schooled should apply to Larry in these areas. For reading, the team agrees that he should be at least at the 5th percentile by the end of 3rd grade.</p> <p>Larry’s mother says she wants special education services from the district, but she will take responsibility for determining “satisfactory educational progress” through a PDP. She intends to use a private evaluation center to do the evaluations of Larry. The IEP team documents this decision on the IEP.</p> |

Larry’s parent must now locate private service providers and arrange for the development of a PDP for Larry. At a minimum, the PDP must include individual educational goals for Larry, and a statement of how satisfactory educational progress will be determined.

At the beginning of third grade, Larry’s IEP team meets again, updates present levels, goals and objectives, and continues services. The team reviews the matter of “satisfactory educational progress” and Larry’s parent continues to want to address this through a PDP. The third grade IEP includes the statement that the parent will arrange for testing of satisfactory educational progress through a PDP. The district is still responsible for tracking Larry’s progress toward his IEP goals and for providing progress reports to the parent according to the schedule on the IEP.

Larry’s parent is responsible for arranging for and paying for an assessment of Larry’s educational progress related to the PDP by August 15th following his third grade year.

If Larry is making satisfactory educational progress in relation to the PDP, his next “satisfactory educational progress” testing will be due by August 15th following his fifth grade year.

If Larry is not making satisfactory educational progress in relation to the PDP, the parent must arrange for another test within one year from the third grade test, which would be fourth grade. If the fourth grade test shows a declining score from the third grade test, then the parent must arrange for another test within one year from the fourth grade test, which would be fifth grade.

The parent must arrange for these additional tests whether or not the ESD asks the parent to submit these results to the ESD.

If the fourth grade test results are declining, the ESD superintendent may:

- allow Larry to continue to be home schooled, or
- require the parent to arrange for a licensed teacher to supervise Larry's education.

If the fifth grade test results are declining, the ESD superintendent may:

- allow Larry to continue to be home schooled but require another test in sixth grade;
- continue requiring supervision of Larry's education by a licensed teacher and require another test in sixth grade; or
- order the parent to send Larry to school for up to 12 calendar months.

Sarah

Sarah has always been home schooled and never attended public school. In the spring of her fifth grade year, her parent becomes concerned about Sarah's inattention and poor motivation. At her pediatrician's suggestion, she contacts the school district and requests a special education evaluation.

The decision about whether to evaluate must be made by a team of at least two professionals, at least one whom is knowledgeable about the evaluation and education of students with disabilities, and the parent. The school staff do not have any information about Sarah. The resource room teacher contacts the parent and asks her to bring in work samples and other information about Sarah. At this meeting, the parent discusses her concerns, and the team agrees to conduct an evaluation.

The resource room teacher completes a Prior Written Notice and Consent for Evaluation form. The parent gives written consent. The evaluation is scheduled for two weeks later.

The next day, the parent gives the resource room teacher a note revoking consent for the evaluation. After talking with her husband, they have decided to deal with the matter privately.

The resource room teacher puts this note in the student's file, along with a copy of a letter sent to the parent stating that the district stands ready to complete this evaluation, and to please contact the teacher or special education director if the parent changes her mind.

The parent arranges for a private evaluation of Sarah in May of fifth grade. The private evaluator is a psychologist who diagnoses Sarah with an attention deficit disorder. Her doctor prescribes a trial dosage of medication, which Sarah and her parent agree is helpful. The private evaluator also does academic testing, which demonstrates that Sarah is at the 12th percentile for her grade. The parent and the psychologist, as the PDP team, develop a PDP for Sarah with goals and a statement that satisfactory educational progress for Sarah will be the 15th percentile on the test used by the psychologist.

Fifth grade is a testing year. The PDP team (parent and private psychologist) agrees that the May evaluation does not reflect satisfactory progress, and they sign a statement to this effect. The parent retains this information in case the ESD should ask for it later.

The parent arranges for Sarah to be tested again by May of sixth grade. Sarah is now at the 18th percentile. The PDP team reviews this information, and notes that her scores are increasing and not declining. Sarah will not need to be tested again until eighth grade. The PDP team writes new educational goals for Sarah and continues to hold the 15th percentile as the standard for "satisfactory educational performance" on the test used by the private psychologist.

INDIVIDUALIZED EDUCATION PROGRAM (For Home Schooled Student) – Excerpts Only

For directions, use the accompanying “Guidelines for Completion” document

| | | |
|--|-----------------------------------|--|
| Student’s Name: | District: | Grade: 7th (Home schooled) |
| Gender: | Home School: | IEP Meeting Date: |
| Date of Birth (month/day/year): | Attending School/District: | Reevaluation Due: |
| Identifying Number: | Disability Code: | Case Manager: |

| | | |
|---|---|------------------------|
| IEP Meeting Participants: | | |
| Parent(s): <u>parent’s name</u> | Regular Education Teacher: <u>parent’s name</u> | Other: _____ |
| Special Education Teacher / Provider: _____ | Student: _____ | Other: _____ |
| District Representative _____ | Individual Interpreting Evaluations: _____ | |

Services Summary (continue on next page if necessary)

Student's Name: _____

School District: _____

| | | | | | |
|---|------------------------------|----------------------|---------------|-------------|-----------------------------------|
| Specially Designed Instruction | Anticipated Amount/Frequency | Anticipated Location | Starting Date | Ending Date | Provider: e.g. LEA, ESD, Regional |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| Related Services | Anticipated Amount/Frequency | | Starting Date | Ending Date | Provider: |
| _____ | _____ | _____ | _____ | _____ | _____ |
| Supplementary Aids/Services; Modifications & Accommodations | | | Starting Date | Ending Date | Provider: |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | Anticipated Amount/Frequency | | Starting Date | Ending Date | Provider: |
| _____ | _____ | _____ | _____ | _____ | _____ |
| Supports for School Personnel | Anticipated Amount/Frequency | Anticipated Location | | | |
| _____ | _____ | _____ | _____ | _____ | _____ |
| <p>Determination of Satisfactory Educational Progress for Home schooling: Student will be evaluated on the Woodcock Johnson Battery. The student will be considered to be making satisfactory educational progress if the student scores at or above the 12th percentile for his grade on the Math Composite and Reading Composite scores. This assessment will be completed in the spring of 8th grade and reported to the parent by August 15th following 8th grade.</p> | | Anticipated Location | | | |
| <p>NOTE: This is an example only – the IEP team will need to decide what measure and performance level is appropriate for the student. If parent is assuming responsibility for determining satisfactory educational progress through a PDP, this should be noted on the IEP.</p> | | Anticipated Location | | | |

Nonparticipation Justification:

Does the student need to be removed from participating with nondisabled children in general education classes, extracurricular activities, and nonacademic activities?
 no yes If yes, describe the extent of the removal, and provide justification:

Student is exempt from compulsory school attendance and parent is addressing regular education through home schooling. OR, e.g. Student is exempt from compulsory school attendance and parent is addressing regular education through home schooling. Student's special education services are provided in the resource room because regular classroom has too many distractions for student to concentrate.

Special Education Placement Determination

Placement Team (name and title):

Person Knowledgeable About the Child Person Knowledgeable About Evaluation Data Person Knowledgeable About Placement Options

| | | |
|--------|-------|-------|
| Parent | Other | Other |
|--------|-------|-------|

This placement is based on:

- the attached IEP
- attached evaluation information

evaluation information listed here: _____

Below, document discussions regarding placement option(s), and indicate selected placement

| Placement Option(s) Considered | Benefits | Possible Harmful Effects on the Child and/or the Services to be Provided | Modifications/Supplementary Aids & Services Considered to Reduce Harmful Effects | Indicate Whether Option is Selected and Reason(s) Rejected or Selected |
|-----------------------------------|----------|---|--|--|
| | | | | |