

Hot Topics

HOT TOPICS IN 2022-23

HOUSE BILL (HB) 2105 – SUPPORTED DECISION MAKING

HB 2105 went into effect in January 2022. The bill directs school districts to provide a child experiencing a disability and the child's parents with information about Supported Decision Making as an alternative to the appointment of a fiduciary for a person with a disability.

Supported decision making is defined as a person using trusted family, friends, or professionals for support to understand, evaluate, and communicate their decisions. It gives the person with a disability the tools to make their own decisions. This is an approach nearly all people use when making decisions and must also be recognized when it is an approach used by individuals experiencing disabilities. For more in-depth information and links to training on supported decision making, please see: [Fact Sheet: New Oregon Law on Supported Decision-Making](#).

Relatedly, procedural safeguard rights associated with IDEA transfer to the student at the **age of majority**. In Oregon, **the age of majority is 18**, or when the student gets married or becomes legally emancipated. The IEP Team must plan ahead and assist the student and the parent in understanding and preparing for the transfer of rights that will occur. There are two "points in time" associated with the transfer of rights:

- At least one year before the student turns 18: The district must notify the student and the parent that rights will transfer at the age of majority. This notice must be provided and documented on the IEP that will be in effect when the student turns 17. A copy of the Notice of Procedural Safeguards must be given to the student at that time.
- When the student reaches the age of majority: The district must provide written notice to the student and parent at the time the student reaches the age of majority and rights transfer; districts may not wait until the next scheduled IEP meeting to provide this notice.

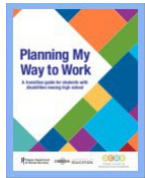
SENATE BILL (SB) 744

SB 744 directs ODE to review state requirements for earning each of the Oregon diploma types and alternative certificate. It directs the Department to review equity and disparities that may exist including identification of the causes of disparities that have resulted from the requirements and whether the requirements have been applied inequitably to different student populations. SB 744 also suspends the requirement for students to demonstrate proficiency in the Essential Skills graduation requirement through the 2022-2023 school year. ODE has developed an [Overview and Explanation](#) of SB 744 for individuals seeking additional information on the bill.

PLANNING MYWAYTOWORK

The **2022 Planning My Way to Work** transition guide for students experiencing disabilities leaving high school is now available. The purpose of the guide is to help students experiencing disabilities and their families navigate services and community resources on the path from school to work. The guide is full of questions, resources, and worksheets to help students of transition age organize their thoughts, create a vision for the future, make choices and decisions, and

make a plan with help from parents, teachers, and others. Limited copies of the guide will be printed and made available through the Transition Technical Assistance Network. However, the guide can be downloaded and printed independently from the Oregon Council on Developmental Disabilities website at ocdd.org



TRANSITION TECHNICAL ASSISTANCE NETWORK (TTAN)

The TTAN consists of:

- Transition Network Facilitators (TNFs)
- Pre-Employment Transition Services Coordinators (Pre-ETS)
- Pre-ETS/TNF Support Specialists
- Technical Assistance Providers for the Youth Transition Program (YTP)

Transition Network Facilitators (TNFs) with support from their TNF/Pre-Employment Transition Services (Pre-ETS) support specialists under the TTAN are funded collaboratively through Oregon Department of Education and Vocational Rehabilitation. In this unique model, TNFs and TNF/Pre-ETS support specialists are assigned to regions across Oregon to offer technical assistance, resources and support that can be customized to your school district's specific needs for transition related resources and trainings.

Examples of Resources, Services and Professional Development offered by TNFs:

- Transition on the IEP
- Student Inclusion in the IEP
- Community Agency Information and Connections
- Seamless Transition Teaming
- Customized Professional Development to suit the unique transition needs of your district programming
- Professional Learning Communities
- Supported Decision Making and Person Center Planning Trainings and Meetings.
- Oregon Transition Podcast. The aim of this series of podcasts is to connect transition teams including students, parents, and other support personnel across the State of Oregon. See [Oregon Transition Podcast](#).

TTAN MISSION STATEMENT

The overall vision of the Transition Technical Assistance Network will support alliances that will shift the perception of society and raise expectations for individuals who experience disabilities so they can live full lives integrated in Oregon communities based on choice.

TTAN WEBSITE

The TTAN website provides a myriad of information on services and resources available to support an overall goal of providing transition-aged students experiencing disabilities the services and resources they need to prepare them for employment or career related postsecondary education/training. Resources include a variety of lessons, interviews, website links, and other resources supporting postsecondary transition for Oregon students experiencing disabilities. Services described on the website are provided by the Oregon Department of Education, the TTAN, and the University of Oregon Post School Outcomes team working with ODE. Within this website you will find an in-depth description of these three sectors of the TTAN.

As described on the website, the University of Oregon supports Oregon's Post-School Outcome (PSO) data collection. PSO data collection is a federal reporting requirement that measures how well Oregon is preparing students with disabilities for further education and employment. The PSO team consists of faculty and staff from the University of Oregon's College of Education Secondary Special Education and Transition Unit as well as the Center on Human Development. Website link: <https://transitionoregon.org>

GUIDANCE ON AVOIDING MOCK SHELTERED WORKSHOP (MSW) ACTIVITIES IN SCHOOL-BASED BUSINESSES

Lane vs. Brown was the first class action lawsuit in the nation that challenged segregated sheltered workshops as a violation of the Americans with Disabilities Act (ADA). The

Settlement Agreement for the case was approved in December 2015 and settled in July 2022.

Among the critical holdings was the decision that the integration mandate of the Americans with Disabilities Act (ADA) applies to employment settings as well as to residential settings. As a result, people with intellectual and developmental disabilities (I/DD) must receive employment services in integrated settings, not sheltered workshops.

There continues to be confusion regarding the definition of Mock Sheltered Workshop (MSW) activities contained in the Settlement Agreement and their prohibition within public schools. The following links help provide clarification around pre-vocational activities, similar to those that might occur in a sheltered workshop:

- ODE Guidance- <https://is.gd/Ri2Wl1>
- MSW Flow Chart- <https://is.gd/mAHb3s>
- MSW Self-Assessment- <https://is.gd/Kuz6Ng>

SEAMLESS TRANSITION

Seamless Transition is a research-based, data driven process used to describe a team approach to supporting students in successfully transitioning from school services to community-based employment prior to exiting school services. Using this process in Oregon has proven to improve Post-School Outcomes for students. A successful seamless transition team does the following:

- Works collaboratively and consistently with your local agencies
- Develops a model that works best for your team, students, and community

- Creates systems of communication and data collection
- Includes the following participants (at a minimum): Transition Educators, Oregon Transition Rehabilitation Services counselors, Oregon Department of Developmental Disabilities (ODDS), and Job Development agencies
- Receives support from your local TNF
Your regional TNF can provide further information and support for building the seamless transition process into your district's transition program.

ODE and CTE

The ODE transition team has ODE Career Technical Education (CTE) team members on the state planning group for transition along with the National Technical Assistance Center on Transition: The Collaborative (NTACT:C). Each year the team analyzes statewide data for CTE and Post-School Outcomes (PSO) to understand how and to what degree students with disabilities are accessing and succeeding in Career and Technical Education (CTE) programs along with their post school outcome results.

CTE provides an unparalleled opportunity to explore the place where learning, careers and interests meet. CTE programs work in harmony with standard academic programs in local high schools, align with complementary postsecondary programs, and provide students with the opportunity to explore in-demand career areas. CTE encompasses a wide range of activities intended to simultaneously provide students with skills demanded in the labor market while preparing them for entry into career and post-secondary training and education in technical fields. The program is defined as “[a] sequence of organized educational activities that provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers...” (Source: Oregon Administrative Rule 581-022-0102).

ON TRACK FOR DIPLOMAS

Earning a diploma is a huge rite of passage that should be experienced by everyone. As a result, all students in Oregon should be on a track for a diploma. Oregon currently offers the standard, modified and extended diploma for students experiencing disability in addition to an alternative certificate, all of which are described elsewhere in this Handbook. ODE and FACT Oregon are making it a priority to raise the number of diplomas earned by students experiencing disability and lowering the number of certificates issued. Starting in Grade 5, a student's IEP team, including the student and their parent(s), should discuss requirements for diploma types and plan for the most rigorous. We must create a culture emphasizing that earning a diploma is possible!

READY SCHOOL, SAFE LEARNERS RESILIENCY FRAMEWORK - 2022-23 SCHOOL YEAR

As a reminder, the IEP team for each eligible student must consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting through the 2022-23 school year. Each district in Oregon is required to have a written plan on how this requirement is conducted. More specific information on Individualized COVID-10 Recovery Services can be found within [OAR 581-015-2229](#).