

## Children/Students with Disabilities

The ESD implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children the ESD is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The ESD identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade-to-grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the ESD;
7. Attending a component district charter school;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The ESD determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The ESD enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the ESD through the school year in which they reach the age of 21 if they have not graduated with a regular diploma.

The ESD shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated and are receiving special education and related services. The ESD conducts an annual count of the total number of private school children attending private schools located within the boundaries of the ESD, and a count of all children with disabilities attending private schools located within the boundaries of the ESD, in accordance with OAR 581-015-2465. The ESD reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

### END OF POLICY

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#### Legal Reference(s):

[ORS 332.075](#)  
[ORS 338.165](#)  
[ORS 339.115 to 137](#)  
[ORS 343.151](#)  
[ORS 343.157](#)  
[ORS 343.193](#)

[ORS 343.221](#)  
[ORS 343.517](#)  
[ORS 343.533](#)  
[OAR 581-015-2040](#)  
[OAR 581-015-2045](#)  
[OAR 581-015-2080](#)  
[OAR 581-015-2085](#)

[OAR 581-015-2190](#)  
[OAR 581-015-2195](#)  
[OAR 581-015-2315](#)  
[OAR 581-015-2480](#)  
[OAR 581-021-0029](#)  
[OAR 581-022 2315](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (2017).  
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).  
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111(2017).