



# Oregon

Kate Brown, Governor



OREGON  
DEPARTMENT OF  
EDUCATION

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**Colt Gill**

Director of the Oregon Department of Education

November 30, 2021

Dear Oregonians:

The Oregon Department of Education (ODE) recognizes the extraordinary disruption that the COVID-19 pandemic has caused our communities for the past 18 months. The Department is encouraged by the progress made on our North Star Goal to return to safe, full-time, in-person learning for our state's students and the commitment of educators to helping all students make academic progress in the 2021–22 school year. However, ODE has been made aware that, as a result of staff shortages, some programs that exclusively serve students experiencing disability have made changes to the length of the school week. As there are significant potential concerns with such decisions, this policy letter serves as a reminder of the obligation for local education agencies (LEAs) to ensure a free appropriate public education (FAPE) is made available to each eligible child. School districts and programs must ultimately ensure that they deliver educational services in a way that complies with those laws.

ODE has consistently named that children experiencing disabilities have been, and continue to be, disproportionately impacted by the pandemic compared to their peers who do not experience disabilities. The Department also recognizes that workforce shortages require complex, multi-faceted solutions that necessitate coordination and collaboration across sectors and, as such, are not easy problems to solve. Regardless of the challenges associated with the pandemic, including workforce shortages, school districts and programs must continue to meet all federal and state requirements, including ensuring that discrimination<sup>1</sup> does not occur and that FAPE is provided to each eligible student.

This communication reinforces the Department's priority to ensure districts and programs meet their obligations under the Individuals with Disabilities Education Act (IDEA) so that eligible children experiencing disabilities receive a free appropriate public education in the least restrictive environment in the current school year. ODE expects districts and programs to comply with IDEA's requirements, including child find, evaluations and reevaluations, and appropriate development and implementation of IEPs. It is equally important that districts and programs properly address the equitable treatment of all eligible students experiencing disabilities, while keeping in mind each student's unique circumstances, including those navigating poverty, who are students of color, who are members of tribes, who are emergent multilinguals, and/or who are experiencing houselessness, all of whom may have been further impacted by the pandemic.

Please feel free to contact our office if we can be of support.

Sincerely,

Tenneal Wetherell  
Assistant Superintendent  
Office of Enhancing Student Opportunities

<sup>1</sup> As defined in [OAR 581-021-0045](#), discrimination refers to "any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation."