

Enrolled Senate Bill 53

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CHAPTER

AN ACT

Relating to special education regional programs; creating new provisions; amending ORS 327.023 and 343.236; repealing ORS 343.239; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 343.236 is amended to read:

343.236. (1)(a) The Superintendent of Public Instruction may provide special education on a local, county or regional basis without regard to county boundaries in all areas of the state for children who **have a low incidence disability. Children with a low incidence disability include, but are not limited to, children who:**

- (A) Have a visual impairment;
- (B) Are deaf or hard of hearing;
- (C) Are deafblind;
- (D) Have an orthopedic impairment;
- (E) Have autism spectrum disorder; or
- (F) Have traumatic brain injury.

(b) The superintendent shall designate one of the regional programs that provides special education to children who are blind or visually impaired to provide statewide coordination and technical assistance related to the provision of services described in ORS 346.315 (2).

(c) The program designated under paragraph (b) of this subsection may receive moneys from the Blind and Visually Impaired Student Fund established under ORS 346.315 and distribute those moneys to other regional programs.

(2) The Superintendent of Public Instruction may operate and administer a local, county or regional program of special education or the superintendent may contract for the operation and administration of the program with a school district or an education service district.

(3) The State Board of Education by rule shall:

(a) Establish eligibility criteria and educational standards for the programs described in subsection (1) of this section and those programs in the school operated under ORS 346.010.

(b) Develop a method for funding the programs described in subsection (1) of this section in a manner that is consistent with state and federal law.

(4) A school district that contracts to provide a program under this section shall be paid for the state-approved program as determined and funded by the Legislative Assembly. Contracting school districts are authorized to negotiate supplemental programs with participating school districts.

SECTION 2. ORS 327.023 is amended to read:

327.023. In addition to those moneys distributed through the State School Fund, the Department of Education shall provide from state funds appropriated therefor, grants in aid or support for special and compensatory education programs including:

- (1) The Oregon School for the Deaf.
- (2) Medicaid match for administration efforts to secure Medicaid funds for services provided to children with disabilities.
- (3) Hospital programs for education services to children who are hospitalized for extended periods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.
- (4) Day treatment programs and residential treatment programs for education services to children who are in the treatment programs as described in ORS 343.961.
- (5) Regional services provided to children with [*low-incidence disabling conditions*] **a low incidence disability**, as described in ORS 343.236.
- (6) Early childhood special education provided to preschool children with disabilities from age three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.
- (7) Early intervention services for preschool children from birth until age three as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.
- (8) Evaluation services for children with disabilities to determine program eligibility and needs as described in ORS 343.146.
- (9) Education services to children residing at state hospitals.
- (10) Disadvantaged children program under ORS 343.680.
- (11) Early childhood education under ORS 329.235.
- (12) Child development specialist program under ORS 329.255.
- (13) Youth care centers under ORS 420.885 that are not within a detention facility, as defined in ORS 419A.004.
- (14) Staff development and mentoring.
- (15) Career and technical education grants.
- (16) Special science education programs.
- (17) Talented and Gifted children program under ORS 343.391 to 343.413.
- (18) Pediatric nursing facility programs for educational services provided to students who are admitted to pediatric nursing facilities as provided in ORS 343.941.

SECTION 3. ORS 343.239 is repealed.

SECTION 4. (1) The Department of Education shall conduct a study on special education programs provided on a local, county or regional basis. The study shall address:

- (a) How special education currently is provided on a local, county or regional basis;
- (b) Changes in law or practice that would improve how special education is provided on a local, county or regional basis; and
- (c) Efficient and effective funding methods for providing special education on a local, county or regional basis.

(2) The department shall report the results of the study to an interim committee of the Legislative Assembly related to education no later than April 1, 2022.

SECTION 5. Section 4 of this 2021 Act is repealed on December 31, 2022.

SECTION 6. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Passed by Senate March 11, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 26, 2021

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State