

SB 923 A STAFF MEASURE SUMMARY**Carrier:** Rep. Neron**House Committee On Education****Action Date:** 05/10/23**Action:** Do Pass the A-Eng bill.**Vote:** 7-0-0-0**Yeas:** 7 - Cramer, Hudson, McIntire, Neron, Nguyen H, Valderrama, Wright**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Lisa Gezelter, LPRO Analyst**Meeting Dates:** 5/3, 5/10**WHAT THE MEASURE DOES:**

Allows students to be included in average daily membership of district only if student is reported with a school identification number issued in accordance with rules adopted by the State Board of Education. Prohibits inclusion of student in average daily membership if student has only a program identification number. Applies to 2023-2024 school year. Declares emergency, effective July 1, 2023.

ISSUES DISCUSSED:

- Students enrolled in program not schools
- Students' data not reported as part of school or district statistics
- Programs in Portland Public Schools

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Federal laws (the Individuals with Disabilities Education Act--IDEA--and Section 504 of the Rehabilitation Act) work together with state law to guarantee the educational rights of students with disabilities. Schools are required to provide students with disabilities with a free, appropriate public education (FAPE) and are prohibited from discriminating against students with disabilities. In January 2019, advocates for students with disabilities filed a class-action lawsuit in federal court, alleging that the State of Oregon had failed to ensure that students with disabilities had access to the educational opportunities guaranteed to them. The State Board enacted a General Supervision Rule in July 2022 (OAR 581-015-2015) that allows the department to monitor whether school districts are operating in compliance with legal and regulatory requirements. The rule is specific to programs for students with disabilities and allows the department to provide technical assistance, coaching, and professional development; to notify districts of any identified noncompliance within three months (or 30 days in certain cases); and to take any required corrective action. The rule requires districts to take specific actions and provides the department with the ability to withhold funds.

For the 2021-2022 school year, the Oregon Department of Education reports that there were 78,716 students enrolled in special education, or 14.2 percent of the state's total student enrollment. Current law allows a district to enroll a child in a program, but not necessarily in a school that meets all of the reporting and other requirements established by the State Board of Education.

Senate Bill 923 A requires school districts to designate a student's enrollment in a school.