

COURTNEY NERON
STATE REPRESENTATIVE
DISTRICT 26



HOUSE OF REPRESENTATIVES

Testimony in Support of HB 4079

February 20, 2024

Chair Nathathson, Vice-Chairs Walters and Reschke, and members of the House Committee on Revenue,

HB 4079 removes the arbitrary and artificially low 11% cap on special education funding and adds an additional distribution formula weight for students experiencing homelessness. These changes ensure that the State School Fund distribution formula will more accurately account for the number of students with a disability or experiencing homelessness, and that school districts will be more equitably funded in order to support student needs.

Under current law, there is an [11% cap](#) on the number of students for which schools can receive a funding allocation based on the students' special education status. This means those school districts with counts of students identified for IEPs (Individualized Education Plan) at a rate greater than 11% are not likely to receive the necessary funding to support all the special education students in the district, even with the [cap waiver](#). They must reallocate the dollars from other pots of money in order to deliver quality education. This cap significantly limits a school district's ability to adequately account for and even support some of our most vulnerable and historically disadvantaged students.

ODE reports that the district average for Oregon is 14.8% students with special education needs. The difference between the cap and the average means that school districts must absorb the difference without the additional funding. It is not hyperbole to argue that we are under-resourcing Special Education needs in this state. This leads to unsafe and unsustainable classroom situations, staff burnout, and an inability to follow through on our [Child Find laws](#) as well as laws governing student rights to [free and appropriate public education \(FAPE\) laws](#).

I have heard the question, "won't school districts try to 'game the system' by issuing too many Individualized Education Plans (IEPs)?" To that, I would like to point out that we are at MUCH greater risk of under-identifying and not serving students with specific needs than the inverse. At worst, overserving very few students is the more realistic risk we would be taking, but our current structures are soundly under-funding the needs of thousands. In fact,

in our House Education Committee hearing on this policy, we heard more exact numbers from ODE's Mike Wiltfong who is here for detailed questions today. He indicated to our policy committee that school districts are having to backfill the hundreds of millions of dollars that they do not receive to serve need of our students receiving Special Education services. We learned that school districts spend approximately one billion dollars on Special Education, but only receive roughly \$500 million dollars through the State School Fund weighted distribution formula.

While I appreciate that many districts are doing successful early intervention work, that have the potential to later remove a child's need for an IEP, I am aware that this is not the case in all districts. We should not further penalize a district struggling to serve 18% IEPs by capping their distribution. I believe we should distribute funds according to need, as our State School Fund (SSF) distribution formula aims to do.

We must look to systemic solutions now so that we don't risk reactionary or "band aid" policy fixes in the future. I believe that this concept, while not the panacea, is a step in the right direction to a less classist, less ableist, and more equitable allocation of funding according to needs.

Building on that, the SSF distribution formula does **not yet** include a funding weight for students experiencing homelessness. As we heard in our interim policy committee hearing, the [McKinney Vento](#) federal allocation provides just \$79 annually per Oregon student experiencing homelessness. This bill allocates a State School Fund distribution formula weight for students experiencing homelessness so that the state can send resources where they are needed most, and more accurately calculate it according to need.

Our students experiencing poverty and homelessness need support to address realities such as chronic absenteeism and academic support to stay on track to graduate. They need to meet basic needs in order to be ready to learn and our schools are finding ways to provide wraparound services, food, clean clothing, counseling, social work, in addition to essential teaching and learning opportunities.

All Oregon students deserve access to quality education. **I believe that every student with a disability or experiencing housing instability should receive the resources and funding necessary to meet their individual learning needs and be provided with equitable access to education.** By lifting the cap on Special Education, as many states have done, and adding a distribution formula weight for students experiencing homelessness, Oregon would be taking a step in the right direction to address structural inequities in our allocation of funding and improve opportunities that ensure success for students.

Thank you for your consideration. It is my hope that you will pass HB4079 to Ways and Means for an allocation that will ensure this change is done in ways that support, rather than penalize, any of the good work that districts are currently doing to serve these precious Oregon students and their unique needs.

Sincerely,

Rep Courtney Neron

A handwritten signature in black ink that reads "Courtney Neron". The signature is written in a cursive style with a large initial 'C' and a long, sweeping underline.

Representative Courtney Neron

House District 26

Wilsonville, including the Charbonneau district, King City, Sherwood,
Tigard/Bull Mountain, and Parrett Mountain