

Enrolled Senate Bill 868

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CHAPTER

AN ACT

Relating to special education for children with a low incidence disability; amending ORS 343.236.

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)(a) For the purpose of determining the cost of operating and administering a local, county or regional program of special education, the Department of Education shall develop a formula to be used to calculate the cost of efficient and effective funding of the program.

(b) No later than September 1 of each even-numbered year, the department shall submit a report to the Governor and, in the manner provided by ORS 192.245, to an interim committee of the Legislative Assembly related to education. The report shall:

(A) For the present biennium, identify:

(i) Any difference between the amount calculated for the biennium based on the formula developed under paragraph (a) of this subsection and the amount made available for the cost; and

(ii) The reason for any difference, including any difference in the amount of state funding needed and the amount of state funding provided; and

(B) For the next biennium, calculate the amount of state funding needed to operate and administer a local, county or regional program of special education based on the formula developed under paragraph (a) of this subsection.

(c) The department shall make the report described in paragraph (b) of this subsection available on the website of the department.

[3] (4) 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 **this section and with** state and federal law.

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

Passed by Senate March 24, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 8, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State