

Senate Bill 868

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Department of Education)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Directs ODE to make a report on the cost of certain programs for special education. (Flesch Readability Score: 61.8).

Directs the Department of Education to develop a formula and to submit a report related to the calculation of the cost of operating and administering a local, county or regional program of special education.

A BILL FOR AN ACT

1
2 Relating to special education for children with a low incidence disability; amending ORS 343.236.

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

4 **SECTION 1.** ORS 343.236 is amended to read:

5 343.236. (1)(a) The Superintendent of Public Instruction may provide special education on a local,
6 county or regional basis without regard to county boundaries in all areas of the state for children
7 who have a low incidence disability. Children with a low incidence disability include, but are not
8 limited to, children who:

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

15 (b) The superintendent shall designate one of the regional programs that provides special edu-
16 cation to children who are blind or visually impaired to provide statewide coordination and techni-
17 cal assistance related to the provision of services described in ORS 346.315 (2).

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

21 (2) The Superintendent of Public Instruction may operate and administer a local, county or re-
22 gional program of special education or the superintendent may contract for the operation and ad-
23 ministration of the program with a school district or an education service district.

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

27 **(b) No later than September 1 of each even-numbered year, the department shall submit**
28 **a report to the Governor and, in the manner provided by ORS 192.245, to an interim com-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **mittee of the Legislative Assembly related to education. The report shall:**

2 **(A) For the present biennium, identify:**

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

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

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

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

13 [~~3~~] **(4)** The State Board of Education by rule shall:

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

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

18 [~~4~~] **(5)** A school district that contracts to provide a program under this section shall be paid
19 for the state-approved program as determined **by the Department of Education** and funded by the
20 Legislative Assembly. Contracting school districts are authorized to negotiate supplemental pro-
21 grams with participating school districts.

22