

House Bill 2948

Sponsored by COMMITTEE ON 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**.

Requires consistent level of expenditures from state and local funds for special education and related services unless certain conditions are met.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to school finance; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 343.**

5 **SECTION 2. (1) Except as provided in subsections (2) and (3) of this section and subject**
6 **to any limitations placed on the funds, federal funds available for a fiscal year through the**
7 **Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., may not be used to:**

8 (a) **Supplant state, local or other federal funds that were used to provide special educa-**
9 **tion and related services during the previous fiscal year and that are available for use in the**
10 **current fiscal year; or**

11 (b) **Reduce the amount of expenditures that are made from state or local funds for spe-**
12 **cial education and related services for the fiscal year, as compared to the amount of expen-**
13 **ditures that were made from state or local funds for special education and related services**
14 **for the previous fiscal year.**

15 (2) **The amount of expenditures that are made from state or local funds for special edu-**
16 **cation and related services may be reduced when the reductions are consistent with the**
17 **provisions of this chapter and the Individuals with Disabilities Education Act and are at-**
18 **tributable to:**

19 (a) **A decrease in the number of children with disabilities who require special education**
20 **and related services; or**

21 (b) **The termination of an obligation to provide a service of special education and related**
22 **services or to purchase an item for special education and related services.**

23 (3) **The amount of expenditures that are made from state or local funds for special edu-**
24 **cation and related services may be reduced by up to 20 percent for a fiscal year if:**

25 (a) **The amount of funds available to this state for special education and related services**
26 **through the Individuals with Disabilities Education Act for the fiscal year exceeds the**
27 **amount of funds available to this state for special education and related services through the**
28 **Individuals with Disabilities Education Act for the previous fiscal year by 20 percent or more;**
29 **and**

30 (b)(A) **The Superintendent of Public Instruction determines that:**

31 (i) **The needs of children with disabilities are being met as required by this chapter and**

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 **the Individuals with Disabilities Education Act; and**

2 **(ii) At least 65 percent of children with disabilities in this state are meeting state**
3 **benchmark standards for education of children with disabilities; or**

4 **(B) The amount of state or local funds available for all school programs decreases by**
5 **more than 10 percent for the fiscal year.**

6 **SECTION 3. Section 2 of this 2009 Act applies to fiscal years beginning on or after July**
7 **1, 2009.**

8 **SECTION 4.** Section 2 of this 2009 Act is amended to read:

9 **Sec. 2.** (1) Except as provided in subsections (2) and (3) of this section and subject to any limi-
10 tations placed on the funds, federal funds available for a fiscal year through the Individuals with
11 Disabilities Education Act, 20 U.S.C. 1400 et seq., may not be used to:

12 (a) Supplant state, local or other federal funds that were used to provide special education and
13 related services during the previous fiscal year and that are available for use in the current fiscal
14 year; or

15 (b) Reduce the amount of expenditures that are made from state or local funds for special edu-
16 cation and related services for the fiscal year, as compared to the amount of expenditures that were
17 made from state or local funds for special education and related services for the previous fiscal year.

18 (2) The amount of expenditures that are made from state or local funds for special education
19 and related services may be reduced when the reductions are consistent with the provisions of this
20 chapter and the Individuals with Disabilities Education Act and are attributable to:

21 (a) A decrease in the number of children with disabilities who require special education and
22 related services; or

23 (b) The termination of an obligation to provide a service of special education and related ser-
24 vices or to purchase an item for special education and related services.

25 (3) The amount of expenditures that are made from state or local funds for special education
26 and related services may be reduced by up to 20 percent for a fiscal year if:

27 (a) The amount of funds available to this state for special education and related services through
28 the Individuals with Disabilities Education Act for the fiscal year exceeds the amount of funds
29 available to this state for special education and related services through the Individuals with Disa-
30 bilities Education Act for the previous fiscal year by 20 percent or more; and

31 (b)[(A)] The Superintendent of Public Instruction determines that:

32 [(i)] **(A)** The needs of children with disabilities are being met as required by this chapter and
33 the Individuals with Disabilities Education Act; and

34 [(ii)] **(B)** At least 65 percent of children with disabilities in this state are meeting state
35 benchmark standards for education of children with disabilities[; or].

36 [(B) *The amount of state or local funds available for all school programs decreases by more than*
37 *10 percent for the fiscal year.*]

38 **SECTION 5. The amendments to section 2 of this 2009 Act by section 4 of this 2009 Act**
39 **become operative July 1, 2012.**

40 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
41 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
42 **July 1, 2009.**