

House Bill 2290

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim 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**.

Allows parents of children with disabilities to enroll children in public or private schools outside of child's resident school district. Transfers funds in State School Fund from resident school district to Special Needs Scholarship Program Fund established for purposes of scholarships.

Continuously appropriates moneys in Special Needs Scholarship Program Fund to Department of Education for purposes of scholarship program.

A BILL FOR AN ACT

1 Relating to education of children with disabilities; and appropriating money.

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

3 **SECTION 1. Sections 2 to 10 of this 2011 Act are added to and made a part of ORS**
4 **chapter 343.**

5 **SECTION 2. For the purposes of sections 2 to 10 of this 2011 Act;**

6 **(1) "Participating school" means:**

7 **(a) A public school outside of the school district in which the child with a disability re-**
8 **sides; or**

9 **(b) A private school that provides education to children with disabilities and that has**
10 **notified the Department of Education of its intention to participate in the program offered**
11 **by sections 2 to 10 of this 2011 Act and to comply with the program's requirements.**

12 **(2) "Private school" has the meaning given that term in ORS 345.505.**

13 **(3) "Resident school district" means the public school district in which the child with a**
14 **disability resides.**

15 **SECTION 3. A parent of a child with a disability qualifies for a scholarship from this**
16 **state for their child to enroll in and attend a participating school if:**

17 **(1) The child with a disability has an individualized education plan written by the resident**
18 **school district;**

19 **(2) The child with a disability has been accepted for admission at a participating school;**
20 **and**

21 **(3) The parent has requested the scholarship from the Department of Education for a**
22 **school year on or before June 1 preceding the beginning of the school year.**

23 **SECTION 4. (1) Upon receipt of an application from a parent of a child with a disability**
24 **for a scholarship under section 3 of this 2011 Act, the Department of Education shall request:**

25 **(a) A copy of the most recent individualized education plan for the child from the resi-**
26 **dent school district; and**

27 **(b) An estimate from the resident school district of the district's estimated cost to edu-**
28 **cate the child of the parent requesting the scholarship under section 3 of this 2011 Act based**
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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 upon the most recent individualized education plan prepared by the district for the student.

2 (2) The resident school district shall provide the information requested by the Depart-
3 ment of Education under subsection (1) of this section within three business days of the
4 department's request.

5 **SECTION 5.** If the Department of Education determines that an application submitted
6 under section 3 of this 2011 Act meets the criteria set forth in section 3 of this 2011 Act, the
7 department shall:

8 (1) Reduce the amount of funds provided to the resident school district from the State
9 School Fund under ORS 327.008 by the amount of the scholarship, which shall be based on
10 the estimated cost of educating the child with a disability in the resident school district, and
11 transfer the amount to the credit of the Special Needs Scholarship Program Fund established
12 under section 6 of this 2011 Act.

13 (2) If the participating school is a public school, transfer the amount of the scholarship
14 calculated under subsection (1) of this section from the Special Needs Scholarship Program
15 Fund to the school district in which the participating school is located.

16 (3) If the participating school is a private school, transfer the amount of the scholarship,
17 minus the amount of the estimated cost of educating the child with a disability that is de-
18 rived from funds provided by the United States Government, from the Special Needs Schol-
19 arship Program Fund to the participating school.

20 (4) Transfer the amount of the estimated cost of educating the child with a disability that
21 is derived from funds provided by the United States Government to the United States Gov-
22 ernment or, if not required to be reimbursed to the United States Government, to the State
23 School Fund.

24 **SECTION 6.** The Special Needs Scholarship Program Fund is established, separate and
25 distinct from the General Fund. Interest earned by the Special Needs Scholarship Program
26 Fund shall be credited to the fund. Moneys received by the Department of Education under
27 section 5 of this 2011 Act shall be deposited in the fund and are continuously appropriated
28 to the department for the purposes of sections 2 to 10 of this 2011 Act.

29 **SECTION 7.** (1) The participating school is not required to implement the individualized
30 education plan prepared by the resident school district, but may prepare a new individualized
31 education plan for the child with a disability.

32 (2) A participating school may, at the end of a school year, decline to allow renewal of
33 the scholarship of a child with a disability if the school determines that, for any reason, the
34 school cannot continue to provide appropriate educational services to the child.

35 (3) Unless the participating school declines renewal of the scholarship under subsection
36 (2) of this section, the parent of the child with a disability may annually renew the schol-
37 arship provided under section 3 of this 2011 Act upon informing the Department of Education,
38 prior to June 1 preceding the subsequent school year, of the parent's intent to renew the
39 scholarship.

40 (4) The department may adjust the amount of the scholarship renewed under subsection
41 (3) of this section to account for changing costs to educate the child with a disability. The
42 department by rule shall develop a methodology for making such adjustments.

43 (5) A participating school may not refund, rebate or share the scholarship funds of a
44 student with a disability with a parent or the student in any manner. The participating
45 school must use a student's scholarship funds only for educational purposes.

1 **SECTION 8.** (1) A resident school district must provide notification on an annual basis
2 to each parent of a student with a disability of the scholarships available under section 3 of
3 this 2011 Act. The Department of Education shall prescribe the form of this notice by rule.

4 (2) The resident school district shall provide a participating school that has admitted a
5 student under sections 2 to 10 of this 2011 Act with a complete copy of the student's school
6 records held by the resident school district, subject to compliance with the federal Family
7 Educational Rights and Privacy Act (20 U.S.C. 1232g).

8 **SECTION 9.** (1) A private school that is a participating school shall meet all criteria for
9 registration under ORS 345.505 to 345.575.

10 (2) For the purpose of conducting criminal records checks under ORS 181.534, a private
11 school that is a participating school shall send to the Department of Education the finger-
12 prints of each person described in ORS 326.603 (1)(a), (b) or (c), and any other necessary in-
13 formation, and shall use the information from the criminal records check to exclude from
14 employment any person who might reasonably pose a threat to the safety of students with
15 disabilities.

16 **SECTION 10.** (1) The Department of Education may contract with one or more qualified
17 researchers who have previous experience evaluating school choice programs to conduct a
18 study of the scholarship program authorized under sections 2 to 10 of this 2011 Act.

19 (2) The study must assess:

20 (a) The level of satisfaction with the program authorized under sections 2 to 10 of this
21 2011 Act for the parents and the children with disabilities;

22 (b) The percentage of students with disabilities who were victimized because of their
23 disability status at the school attended in their resident school district compared with the
24 percentage victimized at the participating school;

25 (c) The percentage of students with disabilities who exhibited behavioral problems at the
26 school attended in their resident school district compared with the percentage exhibiting
27 behavioral problems at the participating school;

28 (d) The class size experienced by students with disabilities at the school attended in their
29 resident school district and at the participating school; and

30 (e) The fiscal impact to this state and the resident school districts.

31 (3) The researchers conducting the study shall:

32 (a) Apply appropriate analytical and behavioral science methodologies to ensure public
33 confidence in the study; and

34 (b) Protect the identities of participating schools and students by keeping the schools and
35 students anonymous in all disaggregated data other than the data provided for the categories
36 of grade level, gender, race and ethnicity.

37 **SECTION 11.** Scholarships awarded under sections 2 to 10 of this 2011 Act are first
38 available for the 2012-2013 school year.

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