

House Bill 2304

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**.

Specifies when school district must, or education service district may, provide self-contained special education classroom instruction.

Requires agreement by parents of children before children may receive special education from another school district.

Takes effect July 1, 2012.

A BILL FOR AN ACT

1
2 Relating to provision of special education; creating new provisions; amending ORS 334.175 and
3 343.221; and prescribing an effective date.

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

5 **SECTION 1.** ORS 343.221 is amended to read:

6 343.221. In order to provide special education for children with disabilities, the district school
7 board of any school district in which there are school-age children who require special education:

8 (1) Shall submit an annual projected activities and cost statement to the Superintendent of
9 Public Instruction for a program of special education for the district's children with disabilities. The
10 proposed district program:

11 (a) Shall include provisions for providing special education and related services [*and*];

12 (b) Shall be designed to meet the unique needs of all resident children with disabilities[.];

13 (c) **Shall provide for all self-contained special education classroom instruction to be ad-**
14 **ministered at school district facilities by school district staff if the individualized education**
15 **programs for six or more children from the school district require the placement of the**
16 **children in a self-contained special education classroom; and**

17 (d) **May provide for contracting with an education service district to provide self-**
18 **contained special education classroom instruction to five or fewer children from the school**
19 **district if the children have individualized education programs that require placement in a**
20 **self-contained special education classroom.**

21 (2) Shall provide special education for such children consistent with the projected activities and
22 cost statement.

23 (3) May, when the board considers a contract to be economically feasible and in the interests
24 of the learning opportunities of eligible children, contract for special education for such children
25 with another school district if the district school boards jointly agree to provide special education
26 **and the parents of the children agree to the placement.**

27 (4) May, when the board considers a contract to be economically feasible and in the interests
28 of the learning opportunities of eligible children, contract for special education for such children
29 with an education service district if:

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 (a) The contract is consistent with the local service plan of the education service district de-
 2 veloped pursuant to ORS 334.175 and **with the requirements described in subsection (1) of this**
 3 **section;**

4 (b) The school districts within the education service district approve the contract by a resol-
 5 ution adopted in the manner provided in ORS 334.175[.]; **and**

6 [(b)] (c) The school district contracts with an education service district pursuant to ORS
 7 334.185.

8 (5) May contract with private agencies or organizations approved by the State Board of Educa-
 9 tion for special education.

10 (6) May use the services of public agencies, including community mental health programs and
 11 community developmental disabilities programs, which provide diagnostic, evaluation and other re-
 12 lated services for children.

13 (7) May contract for the provision of related services by a person in private practice if that
 14 person is registered, certified or licensed by the State of Oregon as qualified to provide a particular
 15 related service that requires registration, certification or licensing by the state.

16 **SECTION 2.** ORS 334.175 is amended to read:

17 334.175. (1) An education service district shall provide regionalized core services to component
 18 school districts. The goals of these services are to:

19 (a) Assist component school districts in meeting the requirements of state and federal law;

20 (b) Improve student learning;

21 (c) Enhance the quality of instruction provided to students;

22 (d) Provide professional development to component school district employees;

23 (e) Enable component school districts and the students who attend schools in those districts to
 24 have equitable access to resources; and

25 (f) Maximize operational and fiscal efficiencies for component school districts.

26 (2) The services provided by an education service district shall be provided according to a local
 27 service plan developed by the education service district and component school districts. The educa-
 28 tion service district and component school districts shall develop the local service plan to meet the
 29 goals specified in subsection (1) of this section. The local service plan must include services in at
 30 least the following areas:

31 (a) Programs for children with special needs, including but not limited to special education ser-
 32 vices, services for at-risk students and professional development for employees who provide those
 33 services. **Programs for children receiving special education services may provide for children**
 34 **to be placed in a self-contained special education classroom only as allowed by ORS 343.221**
 35 **(1) and (4).**

36 (b) Technology support for component school districts and the individual technology plans of
 37 those districts, including but not limited to technology infrastructure services, data services, in-
 38 structional technology services, distance learning and professional development for employees who
 39 provide those services.

40 (c) School improvement services for component school districts, including but not limited to:

41 (A) Services designed to support component school districts in meeting the requirements of state
 42 and federal law;

43 (B) Services designed to allow the education service district to participate in and facilitate a
 44 review of the state and federal standards related to the provision of a quality education by compo-
 45 nent school districts;

1 (C) Services designed to support and facilitate continuous school improvement planning;

2 (D) Services designed to address schoolwide behavior and climate issues;

3 (E) Services designed to support career and technical education; and

4 (F) Professional development for employees who provide the services described in this para-
5 graph.

6 (d) Administrative and support services for component school districts, including but not limited
7 to services designed to consolidate component school district business functions, liaison services
8 between the Department of Education and component school districts and registration of children
9 being taught by private teachers, parents or legal guardians pursuant to ORS 339.035.

10 (e) Other services that an education service district is required to provide by state or federal
11 law, including but not limited to services required under ORS 339.005 to 339.090.

12 (3) In addition to the services specified in subsection (2) of this section, a local service plan may
13 include other services that are designed to meet regional needs.

14 (4) A local service plan shall also contain annual performance measures for the education ser-
15 vice district.

16 (5) A local service plan must:

17 (a) Be adopted by the board of the education service district.

18 (b) After being adopted by the board of the education service district, be approved on or before
19 March 1 by resolution of two-thirds of the component school districts that are a part of the educa-
20 tion service district and that have at least a majority of the pupils included in the average daily
21 membership of the education service district, as determined by the reports of such school districts
22 for the preceding year, enrolled in the schools of the school districts.

23 (6) Notwithstanding the process for approval and adoption required by subsection (5) of this
24 section, if the component school districts approve an amendment to a local service plan pursuant
25 to subsection (5)(b) of this section, the board of an education service district may amend a local
26 service plan that has been previously adopted by the board and approved by the component school
27 districts. An amendment to a local service plan may be done at any time.

28 (7) An education service district may provide the services required by the local service plan
29 directly through the staff of the district. In addition, an education service district may provide ser-
30 vices required by the local service plan through the operation of a public school, a public charter
31 school pursuant to ORS chapter 338, an alternative school or a preschool.

32 (8) An education service district may provide the services required by the local service plan in
33 cooperation with another education service district or with a school district. In addition, an educa-
34 tion service district may contract with a public or private entity for the provision of services.

35 **SECTION 3. The amendments to ORS 334.175 and 343.221 by sections 1 and 2 of this 2011**
36 **Act first apply to the 2012-2013 school year.**

37 **SECTION 4. This 2011 Act takes effect on July 1, 2012.**