

# D R A F T

## SUMMARY

Specifies preference for integrating into school district children who are receiving special education. Limits circumstances under which school district may contract with education service district for provision of full-time instructional services to children receiving special education.

Takes effect July 1, 2014.

## A BILL FOR AN ACT

1  
2 Relating to provision of special education; creating new provisions; amending  
3 ORS 334.175 and 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 disabili-  
7 ties, the district school board of any school district in which there are  
8 school-age children who require special education:

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

12 (a) Include provisions for providing special education and related services  
13 [*and*];

14 (b) Be designed to meet the unique needs of all resident children with  
15 disabilities[.]; **and**

16 (c) **To the extent practicable, provide special education:**

17 (A) **At school district facilities;**

18 (B) **By school district staff; and**

19 (C) **With children enrolled in, and participating as members of, the**

1 **student body of the school the children attend.**

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

4 (3) May, when the board considers a contract to be economically feasible  
5 and in the interests of the learning opportunities of eligible children, con-  
6 tract for special education for such children with another school district if  
7 the district school boards jointly agree to provide special education.

8 (4) May, when the board considers a contract to be economically feasible  
9 and in the interests of the learning opportunities of eligible children, con-  
10 tract for special education for such children with an education service dis-  
11 trict if:

12 (a) The contract is consistent with the local service plan of the education  
13 service district developed pursuant to ORS 334.175 and the school districts  
14 within the education service district approve the contract by a resolution  
15 adopted in the manner provided in ORS 334.175.

16 **(b) The school district:**

17 **(A) Has a student population of fewer than 1,000 students;**

18 **(B) Is entering into a contract for the provision of services that**  
19 **may include the provision of related services, materials or training,**  
20 **but that may not include the provision of full-time instructional ser-**  
21 **vices unless otherwise allowed under subparagraph (C) of this para-**  
22 **graph; or**

23 **(C) Is entering into a contract for the provision of full-time in-**  
24 **structional services to three or fewer students from the school district**  
25 **because of the specifications of the students' individualized education**  
26 **programs.**

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

29 (5) May contract with private agencies or organizations approved by the  
30 State Board of Education for special education.

31 (6) May use the services of public agencies, including community mental

1 health programs and community developmental disabilities programs, which  
2 provide diagnostic, evaluation and other related services for children.

3 (7) May contract for the provision of related services by a person in pri-  
4 vate practice if that person is registered, certified or licensed by the State  
5 of Oregon as qualified to provide a particular related service that requires  
6 registration, certification or licensing by the state.

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

8 334.175. (1) An education service district shall provide regionalized core  
9 services to component school districts. The goals of these services are to:

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

12 (b) Improve student learning;

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

14 (d) Enable component school districts and the students who attend  
15 schools in those districts to have equitable access to resources; and

16 (e) Maximize operational and fiscal efficiencies for component school  
17 districts.

18 (2) The services provided by an education service district shall be pro-  
19 vided according to a local service plan developed by the education service  
20 district and component school districts. The education service district and  
21 component school districts shall develop the local service plan to meet the  
22 goals specified in subsection (1) of this section. The local service plan must  
23 include services in at least the following areas:

24 (a) Programs for children with special needs, including but not limited to  
25 special education services and services for at-risk students. **Programs for**  
26 **children receiving special education services under a contract with a**  
27 **school district may be provided only as described in ORS 343.221 (4).**

28 (b) Technology support for component school districts and the individual  
29 technology plans of those districts, including but not limited to technology  
30 infrastructure services, data services, instructional technology services and  
31 distance learning.

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

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

5 (B) Services designed to allow the education service district to participate  
6 in and facilitate a review of the state and federal standards related to the  
7 provision of a quality education by component school districts;

8 (C) Services designed to support and facilitate continuous school im-  
9 provement planning;

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

12 (E) Services designed to support career and technical education.

13 (d) Administrative and support services for component school districts,  
14 including but not limited to services designed to consolidate component  
15 school district business functions, liaison services between the Department  
16 of Education and component school districts and registration of children  
17 being taught by private teachers, parents or legal guardians pursuant to ORS  
18 339.035.

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

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

25 (4) A local service plan shall also contain annual performance measures  
26 for the education service district.

27 (5) A local service plan must:

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

29 (b) After being adopted by the board of the education service district, be  
30 approved on or before March 1 by resolution of two-thirds of the component  
31 school districts that are a part of the education service district and that have

1 at least a majority of the pupils included in the average daily membership  
2 of the education service district, as determined by the reports of such school  
3 districts for the preceding year, enrolled in the schools of the school dis-  
4 tricts.

5 (6) Notwithstanding the process for approval and adoption required by  
6 subsection (5) of this section, if the component school districts approve an  
7 amendment to a local service plan pursuant to subsection (5)(b) of this sec-  
8 tion, the board of an education service district may amend a local service  
9 plan that has been previously adopted by the board and approved by the  
10 component school districts. An amendment to a local service plan may be  
11 done at any time.

12 (7) If a component school district determines that a local service plan, or  
13 the provision of services under a local service plan, does not meet the service  
14 needs of the component school district, the component school district may  
15 contract with a public entity for the provision of services.

16 (8) An education service district may provide the services required by the  
17 local service plan directly through the staff of the district. In addition, an  
18 education service district may provide services required by the local service  
19 plan through the operation of a public school, a public charter school pur-  
20 suant to ORS chapter 338, an alternative school or a preschool.

21 (9) An education service district may provide the services required by the  
22 local service plan in cooperation with another education service district or  
23 with a school district. In addition, an education service district may contract  
24 with a public or private entity for the provision of services.

25 **SECTION 3. The amendments to ORS 334.175 and 343.221 by sections**  
26 **1 and 2 of this 2013 Act first apply to the 2014-2015 school year.**

27 **SECTION 4. This 2013 Act takes effect on July 1, 2014.**

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