

# House Bill 2755

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**.

Establishes advisory committee for purpose of assisting Department of Education in distributing moneys in Blind and Visually Impaired Student Fund.

Authorizes department to distribute moneys in fund for purpose of providing vision screening in public schools.

## A BILL FOR AN ACT

1  
2 Relating to the Blind and Visually Impaired Student Fund; creating new provisions; and amending  
3 ORS 343.236 and 346.315 and section 9, chapter 562, Oregon Laws 2009.

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

5 **SECTION 1. (1) An advisory committee is established for the purpose of assisting the**  
6 **Department of Education in distributing the funds in the Blind and Visually Impaired Stu-**  
7 **dent Fund under ORS 346.315.**

8 **(2) The committee shall consist of eight members appointed by the Governor, and shall**  
9 **include:**

10 **(a) One member who attended the Oregon School for the Blind.**

11 **(b) One member who is a teacher of blind or visually impaired students.**

12 **(c) Two members, each of whom is a parent of a child who is blind or visually impaired.**

13 **(d) Two members who are blind or visually impaired.**

14 **(e) One member who represents the business community.**

15 **(f) One member who has experience in developing technology that enhances independence**  
16 **for individuals who are blind or visually impaired.**

17 **SECTION 2. Section 9, chapter 562, Oregon Laws 2009, is amended to read:**

18 **Sec. 9.** The amendments to [*section 7 of this 2009 Act*] **ORS 346.315** by section 8 [*of this 2009*  
19 *Act*], **chapter 562, Oregon Laws 2009**, become operative [*June 30, 2020*] **on the effective date of**  
20 **this 2013 Act.**

21 **SECTION 3. ORS 346.315, as amended by section 8, chapter 562, Oregon Laws 2009, is amended**  
22 **to read:**

23 346.315. (1) The Blind and Visually Impaired Student Fund is established in the State Treasury,  
24 separate and distinct from the General Fund. Interest earned by the Blind and Visually Impaired  
25 Student Fund shall be credited to the Blind and Visually Impaired Student Fund.

26 (2) Moneys in the Blind and Visually Impaired Student Fund are continuously appropriated to  
27 the Department of Education for the purposes of:

28 (a) Assisting students who are blind or visually impaired in receiving appropriate resources and  
29 services, including educational services, in the communities where the students reside **or in other**  
30 **settings identified in individualized education programs for students described in section 3**

**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 **(1), chapter 562, Oregon Laws 2009;**

2 (b) Supplementing funds available to regional programs authorized under ORS 343.236 [(1)(a)(A)  
3 and (C)] **(1)(a) and (c)** to ensure access to the expanded core curriculum for students who are blind  
4 or visually impaired;

5 (c) Coordinating professional development of persons who provide educational services to stu-  
6 dents who are blind or visually impaired;

7 (d) Providing technical assistance for the purpose of providing educational services to students  
8 who are blind or visually impaired; [and]

9 (e) Coordinating activities for the benefit of students who are blind or visually impaired[.]; **and**

10 **(f) Providing vision screening in the public schools of this state.**

11 (3) When determining the manner in which to spend the moneys in the Blind and Visually Im-  
12 paired Student Fund, the Department of Education shall **consult with the advisory committee**  
13 **established in section 1 of this 2013 Act and:**

14 (a) **Give priority to services or resources used by students described in section 3 (1),**  
15 **chapter 562, Oregon Laws 2009; and**

16 (b) Ensure that the moneys are used in addition to any other available moneys, [and] do not  
17 supplant moneys available from any other source **and are used for resources and services that**  
18 **would not otherwise be available to the student under an individualized education program.**

19 (4) **Notwithstanding subsection (3)(b) of this section, a school district is not required to**  
20 **seek moneys from the High Cost Disabilities Account established in ORS 327.348 prior to**  
21 **seeking moneys from the Blind and Visually Impaired Student Fund for costs associated with**  
22 **providing services to a student if:**

23 (a) **The student is a student described in section 3 (1), chapter 562, Oregon Laws 2009;**

24 (b) **The purpose of the moneys is to provide appropriate resources and services, including**  
25 **educational services, in a setting identified in the individualized education program for the**  
26 **student; and**

27 (c) **The total cost of the resources and services includes both medical and educational**  
28 **costs and exceeds \$200,000 per fiscal year.**

29 **SECTION 4.** ORS 346.315, as amended by section 8, chapter 562, Oregon Laws 2009, and section  
30 3 of this 2013 Act, is amended to read:

31 346.315. (1) The Blind and Visually Impaired Student Fund is established in the State Treasury,  
32 separate and distinct from the General Fund. Interest earned by the Blind and Visually Impaired  
33 Student Fund shall be credited to the Blind and Visually Impaired Student Fund.

34 (2) Moneys in the Blind and Visually Impaired Student Fund are continuously appropriated to  
35 the Department of Education for the purposes of:

36 (a) Assisting students who are blind or visually impaired in receiving appropriate resources and  
37 services, including educational services, in the communities where the students reside [*or in other*  
38 *settings identified in individualized education programs for students described in section 3 (1), chapter*  
39 *562, Oregon Laws 2009*];

40 (b) Supplementing funds available to regional programs authorized under ORS 343.236 (1)(a) and  
41 (c) to ensure access to the expanded core curriculum for students who are blind or visually impaired;

42 (c) Coordinating professional development of persons who provide educational services to stu-  
43 dents who are blind or visually impaired;

44 (d) Providing technical assistance for the purpose of providing educational services to students  
45 who are blind or visually impaired;

1 (e) Coordinating activities for the benefit of students who are blind or visually impaired; and

2 (f) Providing vision screening in the public schools of this state.

3 (3) When determining the manner in which to spend the moneys in the Blind and Visually Im-  
4 paired Student Fund, the Department of Education shall consult with the advisory committee es-  
5 tablished in section 1 of this 2013 Act and[:]

6 [(a) Give priority to services or resources used by students described in section 3 (1), chapter 562,  
7 Oregon Laws 2009; and]

8 [(b)] ensure that the moneys are used in addition to any other available moneys, do not supplant  
9 moneys available from any other source and are used for resources and services that would not  
10 otherwise be available to the student under an individualized education program.

11 [(4) Notwithstanding subsection (3)(b) of this section, a school district is not required to seek mon-  
12 eys from the High Cost Disabilities Account established in ORS 327.348 prior to seeking moneys from  
13 the Blind and Visually Impaired Student Fund for costs associated with providing services to a student  
14 if:]

15 [(a) The student is a student described in section 3 (1), chapter 562, Oregon Laws 2009;]

16 [(b) The purpose of the moneys is to provide appropriate resources and services, including educa-  
17 tional services, in a setting identified in the individualized education program for the student; and]

18 [(c) The total cost of the resources and services includes both medical and educational costs and  
19 exceeds \$200,000 per fiscal year.]

20 **SECTION 5. The amendments to ORS 346.315 by section 4 of this 2013 Act become oper-  
21 ative June 30, 2020.**

22 **SECTION 6.** ORS 343.236 is amended to read:

23 343.236. (1)[(a)] The Superintendent of Public Instruction may provide special education on a  
24 local, county or regional basis without regard to county boundaries in all areas of the state for  
25 children who have:

26 [(A)] (a) A visual impairment;

27 [(B)] (b) A hearing impairment;

28 [(C)] (c) Blindness or deafness, or both;

29 [(D)] (d) An orthopedic impairment;

30 [(E)] (e) Autism; or

31 [(F)] (f) Traumatic brain injury.

32 [(b) The superintendent shall designate one of the regional programs that provides special educa-  
33 tion to children who are blind or visually impaired to provide statewide coordination and technical  
34 assistance related to the provision of services described in ORS 346.315 (2).]

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

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

41 (3) The State Board of Education by rule shall establish eligibility criteria and educational  
42 standards for the programs described in subsection (1) of this section and those programs in the  
43 school operated under ORS 346.010.

44 (4) A school district which contracts to provide a program under this section shall be paid for  
45 the state-approved program as determined and funded by the Legislative Assembly. Contracting

1 school districts are authorized to negotiate supplemental programs with participating school dis-  
2 tricts.

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