

A-Engrossed
House Bill 2898

Ordered by the Senate June 3
Including Senate Amendments dated June 3

Sponsored by COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

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.

Allows student with disability to earn credit at community college or public university as part of transition services.

Prohibits denying financial aid to student for sole reason that student did not receive regular high school diploma.

Directs district boundary board to order boundary change if specified conditions met.

Allows community college to establish public safety training facility in area zoned for exclusive farm use.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; and amending ORS 330.092 and 343.035; and declar-
3 ing an emergency.

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

5 **SECTION 1.** ORS 343.035 is amended to read:

6 343.035. As used in this chapter unless the context requires otherwise:

7 (1) "Child with a disability" means a school-age child who is entitled to a free appropriate public
8 education as specified by ORS 339.115 and who requires special education because the child has
9 been evaluated as having one of the following conditions as defined by rules established by the State
10 Board of Education:

11 (a) Intellectual disability;

12 (b) Hearing impairment, including difficulty in hearing and deafness;

13 (c) Speech or language impairment;

14 (d) Visual impairment, including blindness;

15 (e) Deaf-blindness;

16 (f) Emotional disturbance;

17 (g) Orthopedic or other health impairment;

18 (h) Autism;

19 (i) Traumatic brain injury; or

20 (j) Specific learning disabilities.

21 (2) "Decision" means the decision of the hearing officer.

22 (3) "Determination" means the determination by the school district concerning the identification,
23 evaluation or educational placement of a child with a disability or the provision of a free appropri-
24 ate public education to the child in a program paid for by the district.

25 (4) "Developmental delay" means:

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) Delay, at a level of functioning and in accordance with criteria established by rules of the
2 State Board of Education, in one or more of the following developmental areas:

- 3 (A) Cognitive development;
- 4 (B) Physical development, including vision and hearing;
- 5 (C) Communication development;
- 6 (D) Social or emotional development; or
- 7 (E) Adaptive development; or

8 (b) A disability, in accordance with criteria established by rules of the State Board of Education,
9 that can be expected to continue indefinitely and is likely to cause a substantial delay in a child's
10 development and ability to function **independently** in society.

11 (5) "Early childhood special education" means instruction that is:

12 (a) Free, appropriate and specially designed to meet the unique needs of a preschool child with
13 a disability;

14 (b) Provided from three years of age until the age of eligibility for kindergarten; and

15 (c) Provided in any of the following settings:

16 (A) The home, a hospital, an institution, a special school, a classroom or a community child care
17 setting;

18 (B) A preschool; or

19 (C) A combination of a setting described in subparagraph (A) of this paragraph and a preschool.

20 (6) "Early intervention services" means services for preschool children with disabilities from
21 birth until three years of age that are:

22 (a) Designed to meet the developmental needs of children with disabilities and the needs of the
23 family related to enhancing the child's development;

24 (b) Selected in collaboration with the parents; and

25 (c) Provided:

26 (A) Under public supervision;

27 (B) By personnel qualified in accordance with criteria established by rules of the State Board
28 of Education; and

29 (C) In conformity with an individualized family service plan.

30 (7) "Individualized education program" means a written statement of an educational program for
31 a child with a disability that is developed, reviewed and revised in a meeting in accordance with
32 criteria established by rules of the State Board of Education for each child eligible for special edu-
33 cation and related services under this chapter.

34 (8) "Individualized family service plan" means a written plan of early childhood special educa-
35 tion, related services, early intervention services and other services developed in accordance with
36 criteria established by rules of the State Board of Education for each child eligible for services un-
37 der this chapter.

38 (9) "Instruction" means providing **children and** families with information and skills that support
39 the achievement of the goals and outcomes in the child's individualized family service plan and
40 working with preschool children with disabilities in one or more of the following developmental
41 areas:

- 42 (a) Communication development;
- 43 (b) Social or emotional development;
- 44 (c) Physical development, including vision and hearing;
- 45 (d) Adaptive development; and

1 (e) Cognitive development.

2 (10) "Mediation" means a voluntary process in which an impartial mediator assists and facili-
3 tates two or more parties to a controversy in reaching a mutually acceptable resolution of the
4 controversy and includes all contacts between a mediator and any party or agent of a party, until
5 such time as a resolution is agreed to by the parties or the mediation process is terminated.

6 (11) "Order" has the meaning given that term in ORS chapter 183.

7 (12) "Other services" means those services which may be provided to preschool children with
8 disabilities and to their families that are not early childhood special education or early intervention
9 services and are not paid for with early childhood special education or early intervention funds.

10 (13) "Parent" means the parent, person acting as a parent or a legal guardian, other than a state
11 agency, of the child or the surrogate parent. "Parent" may be further defined by rules adopted by
12 the State Board of Education.

13 (14) "Preschool child with a disability" means a child from:

14 (a) Birth until three years of age who is eligible for early intervention services because the child
15 is experiencing developmental delay or has a diagnosed mental or physical condition that will result
16 in developmental delay; or

17 (b) Three years of age to eligibility for entry into kindergarten who needs early childhood spe-
18 cial education services because the child is experiencing developmental delay or because the child
19 has been evaluated as having one of the conditions listed for a school-age child under subsection (1)
20 of this section.

21 (15)(a) "Related services" means transportation and such developmental, corrective and other
22 supportive services as are required to assist a child with a disability to benefit from special educa-
23 tion, including:

24 (A) Speech-language and audiology services;

25 (B) Interpreting services;

26 (C) Psychological services;

27 (D) Physical and occupational therapy;

28 (E) Recreation, including therapeutic recreation;

29 (F) Social work services;

30 (G) School nurse services designed to enable a child with a disability to receive a free appro-
31 priate public education as described in the individualized education program of the child;

32 (H) Early identification and assessment of disabilities in children;

33 (I) Counseling services, including rehabilitation counseling;

34 (J) Orientation and mobility services;

35 (K) Medical services for diagnostic or evaluation purposes; *[and]*

36 (L) Parent counseling and training[.]; **and**

37 **(M) Assistive technology.**

38 (b) "Related services" does not include a medical device that is surgically implanted or the re-
39 placement of a medical device that is surgically implanted.

40 (16) "School district" means a common or union high school district that is charged with the
41 duty or contracted with by a public agency to educate children eligible for special education.

42 (17) "Service coordination" means the activities carried out by a service coordinator to assist
43 and enable a preschool child with a disability and the child's family to receive the rights, procedural
44 safeguards and services that are authorized under the state's early intervention and early childhood
45 special education programs and to coordinate access to other services designated on the individ-

1 ualized family service plan.

2 (18) "Special education" means specially designed instruction that is provided at no cost to
3 parents to meet the unique needs of a child with a disability. "Special education" includes instruc-
4 tion that:

5 (a) May be conducted in the classroom, the home, a hospital, an institution, a special school or
6 another setting; and

7 (b) May involve physical education services, speech-language services, transition services or
8 other related services designated by rule to be services to meet the unique needs of a child with a
9 disability.

10 (19) "Transition services" means a coordinated set of activities for a child with a disa-
11 bility that:

12 (a) Is designed to be within a results-oriented process;

13 (b) Is focused on improving the academic and functional achievement of the child to fa-
14 cilitate the child's transition from school to post-school activities, including post-secondary
15 education, competitive employment, independent living and community inclusion;

16 (c) Is based on the individual child's needs, taking into account the child's preferences
17 and interests; and

18 (d) May be special education, or related services, and may include earning credit at a
19 community college or public university listed in ORS 352.002.

20 [(19)] (20) "Unaccompanied homeless youth" has the meaning given that term in the
21 McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434a(6).

22 [(20)] (21) "Ward of the state" means a child who is temporarily or permanently in the custody
23 of, or committed to, a public or private agency through the action of the juvenile court. "Ward of
24 the state" may be further defined by rules adopted by the State Board of Education.

25 **SECTION 2. A student who receives a modified diploma or extended diploma under ORS**
26 **329.451 may not be denied eligibility for financial aid to obtain post-secondary education in a**
27 **public university listed in ORS 352.002, community college or independent not-for-profit in-**
28 **stitution of higher education that operates in this state for the sole reason that the student**
29 **did not receive a high school diploma.**

30 **SECTION 3. Section 4 of this 2013 Act is added to and made a part of ORS chapter 330.**

31 **SECTION 4. (1) Upon receipt of a petition meeting the requirements of subsections (2)**
32 **to (4) of this section, the district boundary board shall order a boundary change.**

33 (2) A petition for a proposed change allowed under this section may be submitted only
34 by a city that:

35 (a) Is amending its comprehensive plan and land use regulations to plan and zone land
36 annexed to the city as the result of an urban growth boundary expansion that occurred
37 within three years before the date of the submission of the petition; and

38 (b) Has made findings that a change in the boundary of the school district would:

39 (A) Decrease total transportation costs for the affected school districts; and

40 (B) Result in greater efficiencies in the delivery of educational services.

41 (3) A petition submitted under this section shall:

42 (a) Be directed to the district boundary board of the county or counties having jurisdic-
43 tion over the affected school districts;

44 (b) Contain the names and numbers of the school districts affected by the change;

45 (c) Contain a concise statement of the type of change requested and a legal description

1 of the portion of the school district that will be the subject of the change; and

2 (d) Contain a proposal for the distribution of the assets and liabilities of the area affected
3 by the proposed change.

4 (4) A petition may be submitted under this section only if one district boundary board
5 must issue an order related to the change.

6 (5) Before a petition for a proposed change is considered, the district boundary board
7 shall give notice in the same manner provided by ORS 330.400 of the proposed change and the
8 session of the board at which it will be considered. If the district boundary board determines
9 that the petition meets the requirements of subsections (2) to (4) of this section, the board
10 shall issue an order that the change shall become effective as provided in ORS 330.103. The
11 board may not allow a remonstrance petition or election.

12 (6) If a boundary change made under this section causes a school to be located in a dif-
13 ferent school district, the employees of the school may elect to transfer to the different
14 school district. If an employee elects a transfer as provided by this subsection, the employee
15 may not be deprived of seniority or accumulated sick leave solely because the duties of the
16 employee have been assumed or acquired by the different school district.

17 **SECTION 5.** ORS 330.092 is amended to read:

18 330.092. The boundaries of a school district may not be changed except:

19 (1) Pursuant to ORS 330.090 (1) or (3) or **section 4 of this 2013 Act.**

20 (2) By a vote of the people pursuant to the lengthening of the course of study under ORS
21 chapter 335.

22 (3) By the mutual consent of the district school boards of the two or more affected districts in
23 the manner prescribed in ORS 330.080 to 330.107.

24 (4) On a request for change or merger proposal submitted to the district boundary board by
25 electors of the affected districts in the manner prescribed in ORS 330.080 to 330.107.

26 **SECTION 6.** (1) As used in this section, “public safety training facility” or “facility”
27 means one or more improvements established by a community college in support of curric-
28 ulum focused on public safety training or education, including public safety response to an
29 emergency, as defined in ORS 401.025.

30 (2) In addition to the nonfarm uses that may be established in an area zoned for exclusive
31 farm use under ORS 215.213 (1) or 215.283 (1), a community college may establish a public
32 safety training facility as an outright permitted use in an area zoned for exclusive farm use.

33 (3) The community college may establish the facility jointly in cooperation with one or
34 more other public bodies, as defined in ORS 174.109.

35 (4) The community college shall:

36 (a) Use the facility to support curriculum focused on public safety training and education;
37 and

38 (b) Make the facility available for use by other public bodies for public safety training or
39 education of public safety personnel, as defined in ORS 181.610, and other providers of
40 emergency services, as defined in ORS 401.025.

41 (5) Only one public safety training facility may be established under this section in each
42 county.

43 **SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
45 on its passage.

