

D R A F T

SUMMARY

Requires Superintendent of Public Instruction, in investigation of violation of federal or state law that applies to special education, to identify cause of violation, to prepare report that specifies cause and recommends measures to prevent recurrence of the violation, and to refer matter to Teacher Standards and Practices Commission, Department of Justice or other professional licensing board if investigation uncovers evidence of professional misconduct or other willful misconduct.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to investigations of violations of law related to special education; amending ORS 343.041; and prescribing an effective date.

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

SECTION 1. ORS 343.041 is amended to read:

343.041. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public Instruction shall be responsible for the general supervision of all special education programs for children with disabilities, early childhood special education and early intervention services for preschool children with disabilities within the state, including all such programs administered by any state agency or common or union high school district or education service district.

(2) All special education programs for children with disabilities, early childhood special education and early intervention services for preschool children with disabilities within this state shall meet the standards and criteria established therefor by the State Board of Education.

(3) The State Board of Education shall adopt by rule procedures whereby

the superintendent investigates and resolves complaints that the Department of Education, a local education agency or an early intervention or early childhood special education contractor has violated a federal law or statute that applies to a special education or early childhood special education program. **An investigation under this subsection must:**

(a) Identify the cause or causes of the violation of federal law or of a statute, examples of which could include inadequate training, erroneous or incomplete procedures, negligence, professional misconduct or other causes;

(b) Culminate in a report that describes the cause or causes of the violation and recommends corrective actions consistent with 34 C.F.R. 300.600, as in effect on the effective date of this 2023 Act, to prevent a recurrence of the violation; and

(c) Refer the violation for enforcement by, as appropriate, the Teacher Standards and Practices Commission, the Department of Justice or another professional licensing board or commission, if the investigation uncovers evidence of professional misconduct or other willful misconduct.

(4) The State Board of Education shall adopt rules relating to the establishment and maintenance of standards to ensure that personnel providing special education and early childhood special education and early intervention services are appropriately and adequately trained.

(5) The Governor shall direct that agencies affected by this section enter into cooperative agreements to achieve necessary uniformity in meeting the standards and criteria established by the state board under subsection (2) of this section.

(6) The Governor shall direct that each public agency obligated under federal or state law to provide or pay for any services that are also considered special education or related services necessary for ensuring a free appropriate public education to children with disabilities, including but not limited to the Department of Human Services, enter into cooperative agree-

ments with the Department of Education concerning:

(a) Allocation among agencies of financial responsibility for providing services;

(b) Conditions, terms and procedures for reimbursement; and

(c) Policies and procedures for coordinating timely and appropriate delivery of services.

(7) All cooperative agreements entered into under subsections (5) and (6) of this section shall include procedures for resolving interagency disputes.

SECTION 2. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.