

A-Engrossed
Senate Bill 53

Ordered by the Senate March 8
Including Senate Amendments dated March 8

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of 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.

Updates terminology and funding provisions related to special education programs provided on local, county or regional basis.

Directs Department of Education to conduct study related to special education programs provided on local, county or regional basis and to report results of study to interim committee of Legislative Assembly related to education.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to special education regional programs; creating new provisions; amending ORS 327.023 and
3 343.236; repealing ORS 343.239; and declaring an emergency.

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

5 **SECTION 1.** ORS 343.236 is amended to read:

6 343.236. (1)(a) The Superintendent of Public Instruction may provide special education on a local,
7 county or regional basis without regard to county boundaries in all areas of the state for children
8 who **have a low incidence disability. Children with a low incidence disability include, but are**
9 **not limited to, children who:**

- 10 (A) Have a visual impairment;
11 (B) Are deaf or hard of hearing;
12 (C) Are deafblind;
13 (D) Have an orthopedic impairment;
14 (E) Have autism spectrum disorder; or
15 (F) Have traumatic brain injury.

16 (b) The superintendent shall designate one of the regional programs that provides special edu-
17 cation to children who are blind or visually impaired to provide statewide coordination and techni-
18 cal assistance related to the provision of services described in ORS 346.315 (2).

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

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

25 (3) The State Board of Education by rule shall:

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) Establish eligibility criteria and educational standards for the programs described in sub-
2 section (1) of this section and those programs in the school operated under ORS 346.010.

3 (b) **Develop a method for funding the programs described in subsection (1) of this section**
4 **in a manner that is consistent with state and federal law.**

5 (4) A school district that contracts to provide a program under this section shall be paid for the
6 state-approved program as determined and funded by the Legislative Assembly. Contracting school
7 districts are authorized to negotiate supplemental programs with participating school districts.

8 **SECTION 2.** ORS 327.023 is amended to read:

9 327.023. In addition to those moneys distributed through the State School Fund, the Department
10 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
11 cial and compensatory education programs including:

12 (1) The Oregon School for the Deaf.

13 (2) Medicaid match for administration efforts to secure Medicaid funds for services provided to
14 children with disabilities.

15 (3) Hospital programs for education services to children who are hospitalized for extended pe-
16 riods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.

17 (4) Day treatment programs and residential treatment programs for education services to chil-
18 dren who are in the treatment programs as described in ORS 343.961.

19 (5) Regional services provided to children with [*low-incidence disabling conditions*] **a low inci-**
20 **dence disability**, as described in ORS 343.236.

21 (6) Early childhood special education provided to preschool children with disabilities from age
22 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
23 343.065, 343.157 and 343.455 to 343.534.

24 (7) Early intervention services for preschool children from birth until age three as described in
25 ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

26 (8) Evaluation services for children with disabilities to determine program eligibility and needs
27 as described in ORS 343.146.

28 (9) Education services to children residing at state hospitals.

29 (10) Disadvantaged children program under ORS 343.680.

30 (11) Early childhood education under ORS 329.235.

31 (12) Child development specialist program under ORS 329.255.

32 (13) Youth care centers under ORS 420.885 that are not within a detention facility, as defined
33 in ORS 419A.004.

34 (14) Staff development and mentoring.

35 (15) Career and technical education grants.

36 (16) Special science education programs.

37 (17) Talented and Gifted children program under ORS 343.391 to 343.413.

38 (18) Pediatric nursing facility programs for educational services provided to students who are
39 admitted to pediatric nursing facilities as provided in ORS 343.941.

40 **SECTION 3.** ORS 343.239 is repealed.

41 **SECTION 4.** (1) **The Department of Education shall conduct a study on special education**
42 **programs provided on a local, county or regional basis. The study shall address:**

43 (a) **How special education currently is provided on a local, county or regional basis;**

44 (b) **Changes in law or practice that would improve how special education is provided on**
45 **a local, county or regional basis; and**

1 **(c) Efficient and effective funding methods for providing special education on a local,**
2 **county or regional basis.**

3 **(2) The department shall report the results of the study to an interim committee of the**
4 **Legislative Assembly related to education no later than April 1, 2022.**

5 **SECTION 5.** **Section 4 of this 2021 Act is repealed on December 31, 2022.**

6 **SECTION 6.** **This 2021 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
8 **July 1, 2021.**

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