

SB 1578 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Education

Prepared By: Lisa Gezelter, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/8, 2/10

WHAT THE MEASURE DOES:

Allows the Oregon Department of Education (ODE) to initiate an investigation upon receipt of a complaint that schools or school districts have violated certain state laws and administrative rules when ODE has reasonable cause to believe a violation has occurred and before a local investigation is complete in cases where the violation may result in physical or emotional harm to a student, employee, or volunteer; result in the denial of five or more instructional days provided in person or virtually in comparison to other students; or result in the denial of 10 or more in-person instructional days in comparison to other students. Establishes corrective actions. Expands ODE's current investigative process to allow for complaints to be made by or on behalf of any resident of the state, made in any language, accepted in any format, and not reference specific statutes or regulations. Requires ODE to notify a complainant when complaint is incomplete. Requires State Board of Education to establish requirements for education service district complaint process. Allows investigations to cover violations not identified in complaint under certain circumstances. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes definition of violations of safety, discrimination, and welfare laws. Removes references to specific statutes, but retains reference to discrimination. Requires State Board of Education to adopt by rule procedures for the Department of Education (ODE) to investigate and resolve allegations of violations of state or federal law. Removes reference to emotional harm. Modifies definition of denied instructional days. Establishes program requirements for investigations. Provides waiver process for school districts. Allows ODE to immediately withhold State School Fund moneys under certain circumstances. Modifies requirements relating to district-level complaint process. Modifies provisions relating to education service district complaint process. Adds requirement that ODE appoint at least two student and family advocates. Establishes position duties.

-2 Removes definition of violations of safety, discrimination, and welfare laws. Removes references to specific statutes, but retains reference to discrimination. Requires State Board of Education to adopt by rule procedures for the Department of Education (ODE) to investigate and resolve allegations of violations of state or federal law. Removes reference to emotional harm. Modifies definition of denied instructional days. Establishes program requirements for investigations. Requires ODE to take action when it becomes aware of an alleged violation of state or federal law. Allows ODE to take action without officially commencing an investigation. Provides waiver process for school districts. Allows ODE to immediately withhold State School Fund moneys under certain circumstances. Removes changes to school district complaint process requirements. Enacts education service district complaint process requirements that mirror school district complaint process requirements. Adds requirement that ODE appoint at least two student and family advocates. Establishes position duties.

BACKGROUND:

[ORS 327.103 \(2021\)](#) establishes a process for ODE to find school districts to be deficient and withhold funds. The statute requires that, for deficiencies not corrected before the beginning of the school year following the date ODE finds a district deficient and where an extension has not been granted, ODE may withhold portions of State

SB 1578 -1, -2 STAFF MEASURE SUMMARY

School Fund distributions allocated to the district for operating expenses until the deficiencies are corrected. The law requires districts found deficient to submit a plan within 90 days for meeting the standardization requirements and allows ODE to give districts extensions up to 12 months to come into compliance before withholding funds. The law prohibits school districts that fail to submit a plan for meeting requirements from receiving State School Fund distributions and allows for extensions in the cases of human-created or natural disasters.

The State Board of Education has established in rule a set of standards based on state statutes, commonly referred to as the Division 22 Standards ([OAR 581-022-0102 through 581-022-2510](#)). Near the end of each school year, districts are required to submit a checklist to ODE indicating whether they meet each of the Division 22 standards. Additionally, ODE manages a complaint process in which students, parents, employees, or community members may file complaints about districts' non-adherence to state law or rule. ODE relies on the results of both the Division 22 reporting process and the complaint process to determine whether a district must file a plan to come into compliance with any specific statute or rule and thereby resolve its deficiencies.

During pandemic-induced distance learning in 2020 and 2021, legislative committees received complaints from the families and representatives of students whose educational rights are protected under federal law and who did not receive the instructional time and educational services to which they are entitled.

Among the states that provide their state education agencies with the ability to review local district actions are New York, Massachusetts, Texas, and Iowa.