

SB 1578 A STAFF MEASURE SUMMARY

Senate Committee On Education

Action Date: 02/10/22

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 4-0-1-0

Yeas: 4 - Dembrow, Gelser Blouin, Gorsek, Thomsen

Exc: 1 - Robinson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 2/8, 2/10

WHAT THE MEASURE DOES:

Requires State Board of Education to adopt by rule procedures for the Oregon Department of Education (ODE) to investigate and resolve allegations of violations of state or federal law. Requires that rules allow ODE to immediately investigate allegations if there is reasonable cause to believe that the violation may result in physical 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 program requirements for investigations. Establishes corrective actions. Establishes waiver process for school districts. Allows ODE to immediately withhold State School Fund moneys under certain circumstances. Requires ODE to notify a complainant when complaint is incomplete. Enacts education service district complaint process requirements that mirror school district complaint process requirements. Requires ODE to establish student and family advocate positions and outlines position duties. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- School districts and education service districts not providing full days of instruction to students with disabilities
- Needs of students with disabilities
- Obligations of school districts under state and federal law
- Experiences of students and parents

EFFECT OF AMENDMENT:

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 Oregon 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

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ODE finds a district deficient and where an extension has not been granted, ODE may withhold portions of State 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.

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

Senate Bill 1578 A allows the Oregon Department of Education to immediately investigate school districts' violations of state and federal law under certain circumstances.