



House Education Committee

November 2023

Special Education IEP 11% Cap and Homeless Student Review in the State School Fund

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Today's agenda – help with understanding:

- *What is the Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM)?*
- *When was the IEP 11% Cap of ADM implemented?*
- *What is the effect of the IEP 11% Cap of ADM?*
- *Potential effect of raising/removing the 11% Cap?*
- *Homeless students review*
- *Impacts on the State School Fund*

Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM)

Current Statute for weighting: ORS 327.013(1)(C)(A)(i):

1.0 for each student in average daily membership eligible for special education as a child with a disability under ORS 343.035, which may not exceed 11 percent of the district's ADM without review and approval by the Department of Education.

Scenario	ADM count	IEP count	Rate of IEP	Add'l weighting	Exceeded Cap	ADMw
1	1,000	90	9.0%	90	-	1,090
2	1,000	100	10.0%	100	-	1,100
3	1,000	110	11.0%	110	-	1,110
4	1,000	120	12.0%	110	10	1,110
5	1,000	130	13.0%	110	20	1,110
6	1,000	140	14.0%	110	30	1,110

Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM) - History

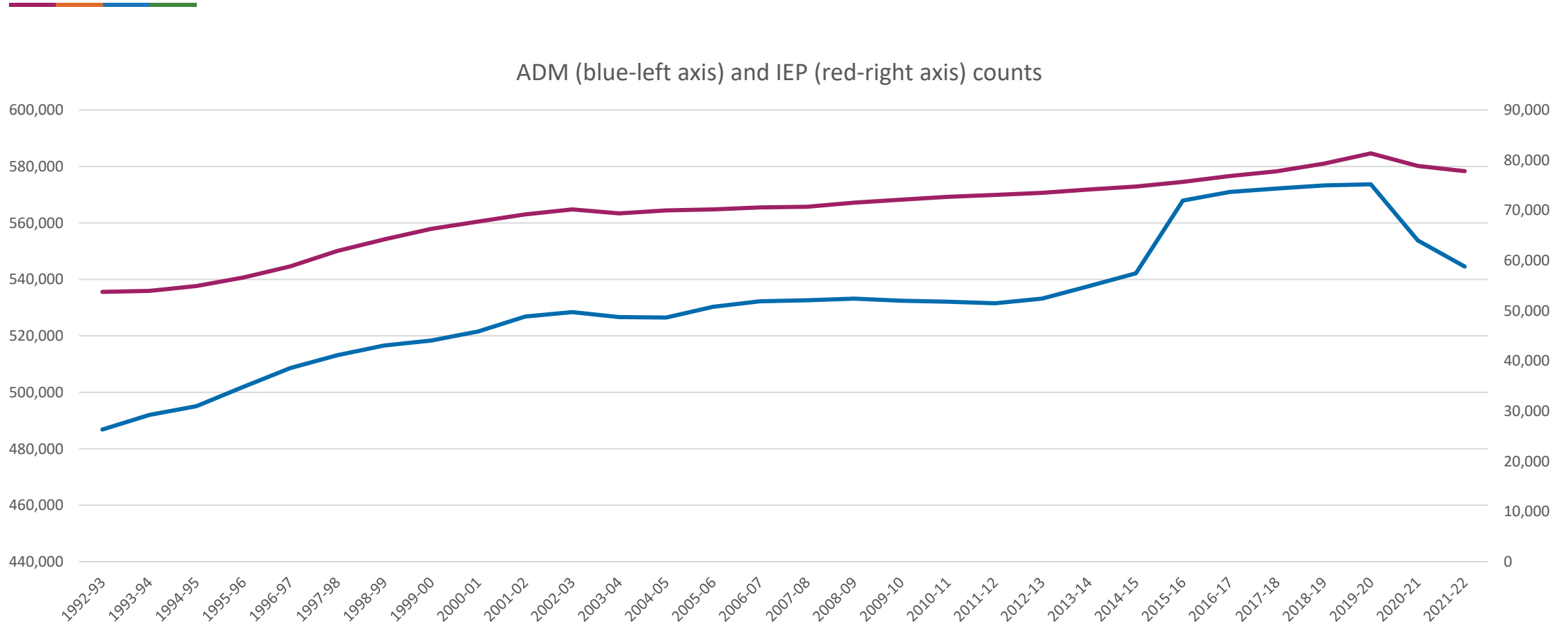
The IEP 11% Cap of ADM was implemented when the State School Fund was created in 1991 in response to Measure 5.

- 1991 ORS 327.013(7)(a)(A): *1.0 for each student in average daily membership eligible for special education as a child with disabilities under ORS 343.035, applicable to not to exceed 11 percent of the district's ADM without review and approval of the Department of Education.*

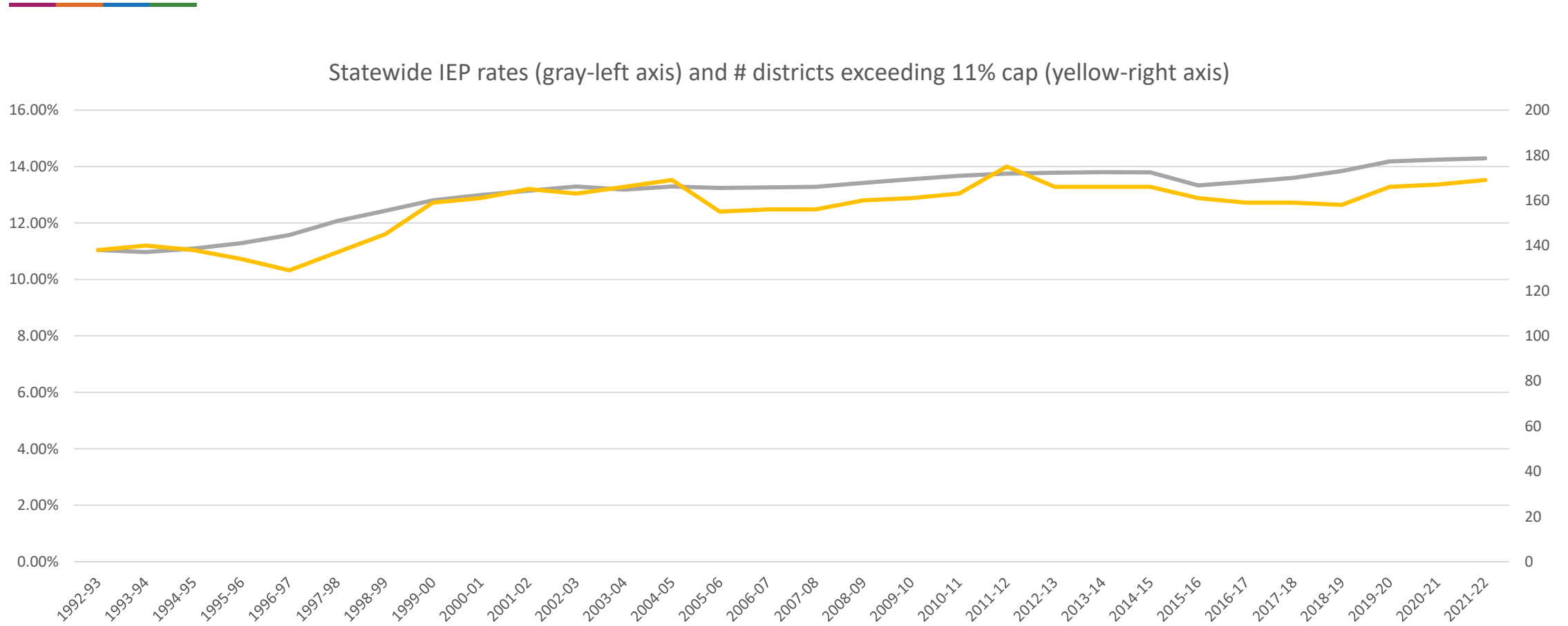
Prior to the creation of the State School Fund:

- 1989 ORS 327.049: *Apportionment to Special Education Account. There shall be credited annually from the Basic School Support Fund to the Special Education Account under ORS 343.247 (1)(a) an amount equal to \$700 per pupil in 1985 -1986 multiplied by the resident average daily membership of programs under ORS 343.261 and 343.961. The per pupil amount shall be adjusted on an annual basis by the percentage rate of increase in the Consumer Price Index, as defined in ORS 327. 075.*

Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM) - Data



Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM) - Data

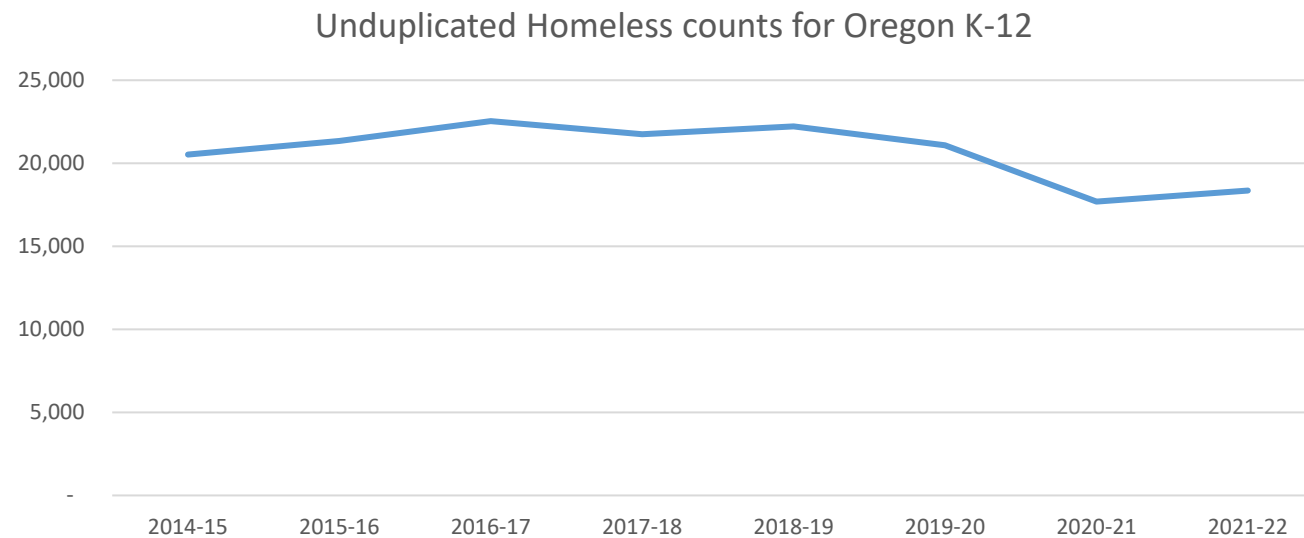


Individual Education Plan (IEP) 11% Cap of Average Daily Membership (ADM) - Effect

- It is my understanding the intent of IEP 11% Cap of ADM was, in part, to provide an incentive so there wouldn't be over-identification of Special Education students.
- There is also the limiting effect of the Cap on additional weighting and resulting funding available for Special Education.
- We know available revenues and actual expenditures don't currently align, where revenues from the State School Fund (SSF) represents approximately 66% of actual General Fund expenditures as reported under Maintenance of Effort for federal IDEA requirements.
- We know costs associated with Special Education, especially for High Cost Disability students, are outpacing typical inflationary increases year over year.
- Adjusting the IEP Cap to align with current rates would increase the number of weights in the SSF system and resulting funding. How the legislature responds would affect outcome(s) >>>

Homeless students

- There currently isn't any weighting in the State School Fund targeted for homeless students
- These are some of our most vulnerable students and McKinney-Vento currently provides funding at approximately \$79 per identified pupil



Thank you

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