

## SB 289 STAFF MEASURE SUMMARY

### Senate Committee On Education

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**Prepared By:** Lisa Gezelter, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/7

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#### WHAT THE MEASURE DOES:

Repeals current law allowing Oregon Department of Education to declare school districts and education service districts nonstandard and imposing timelines and penalties. Requires Oregon Department of Education (ODE) to determine annually if school districts and education service districts are standard, conditionally standard, or nonstandard. Defines standard districts as those in compliance with state and federal laws. Defines nonstandard districts as those in violation of any state or federal law involving student health or safety, discrimination, special education, or access to education. Defines conditionally standard districts as those in violation of any laws not named under nonstandard definition. Requires ODE to issue corrective action plans for nonstandard and conditionally standard districts. Establishes timelines for correction of deficiencies. Establishes menu of options for enforcement. Takes effect for the 2024-2025 school year.

*REVENUE: May have revenue impact, but no statement yet issued.*

*FISCAL: May have fiscal impact, but no statement yet issued.*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

In January, 2019, advocates for students with disabilities filed a class-action lawsuit in federal court, alleging that the State of Oregon had failed to ensure that students with disabilities had access the educational opportunities guaranteed to them. At issue were instances of Oregon school districts placing students with disabilities onto shortened school days, and the Oregon Department of Education’s failure to take the steps necessary to ensure these students’ rights to a free, appropriate public education were upheld. In June, 2022, the court-ordered neutral fact-finder issued a report detailing their findings, including that there is no consistent use of signed parental permission, there are no mandated trainings provided by ODE, districts’ record-keeping is often poor or neglected, the state has no effective or efficient way to gather data or monitor the use of shortened days, some districts withheld information, students are sometimes placed in permanent shortened day programs, students are often required to “earn” a full school day, students often did not have any behavioral goals or a behavioral intervention plan, and that in many cases parental consent was not obtained.

The State Board enacted a General Supervision Rule in July, 2022 (OAR 581-015-2015) that allows the Department to monitor whether school districts are operating in compliance with legal and regulatory requirements. The rule is specific to programs for students with disabilities and allows the department to provide technical assistance, coaching, and professional development, to notify districts of any identified noncompliance within three months (or 30 days in certain cases), and any required corrective action. The rule requires districts to take specific actions and provides the Department with the ability to withhold funds.

Throughout the 2022 interim, the Senate Education Committee sponsored a workgroup on Division 22/State Oversight of School Districts. The workgroup examined the Secretary of State’s Systemic Risk Report outlining risks

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under the state's current system of oversight. Additionally, a 50-state survey completed for that workgroup found that 39 states have in place measures to ensure that school districts meet basic operating standards, 21 states have in place measures that hold local school districts accountable for outcomes, and 23 states have state-level oversight of local school district budgets.

Senate Bill 289 requires ODE to determine annually whether each school district in the state is standard, conditionally standard, or nonstandard.