

SB 291 STAFF MEASURE SUMMARY

Senate Committee On Education

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Requires Oregon Department of Education to investigate and enforce corrective actions in cases of violations of education laws related to discrimination, restraint and seclusion, and religious activity.

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 under the state’s current system of oversight. Additionally, a 50-state survey completed for that workgroup found that at least 16 states have granted specific enforcement authority to at least one state-level entity in their education system.

Senate Bill 291 requires ODE to enforce the state’s education laws related to discrimination, restraint and seclusion, and religious activity.