

SB 923 -1 STAFF MEASURE SUMMARY

Senate Committee On Education

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Meeting Dates: 3/14, 4/4

WHAT THE MEASURE DOES:

Establishes definitions for standard school and nonstandard school or program. Requires school districts to designate the school or program of enrollment for each student. Prohibits school districts from designating a nonstandard school or program as the official enrollment for a student if the nonstandard school or program does not guarantee students' rights as outlined in the Oregon Educational Act for the 21st Century or under state special education law (Chapters 329 and 343) or if the effectiveness of the nonstandard school or program is not assessed, the nonstandard school or program does not conduct a self evaluation, or the Superintendent of Public Instruction does not produce a performance report for the nonstandard school or program. Declares emergency, takes effect July 1, 2023.

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:

-1 Replaces the measure. Allows students to be included in average daily membership of district only if student is reported with a school identification number issued in accordance with rules adopted by the State Board of Education. Prohibits inclusion of student in average daily membership if student has only a program identification number. Applies to 20232-2024 school year. Declares emergency, effective July 1, 2023.

BACKGROUND:

Federal law (the Individuals with Disabilities Education Act, or IDEA, and Section 504 of the Rehabilitation Act) work together with state law to guarantee the educational rights of students with disabilities. Schools are required to provide students with disabilities with a free, appropriate public education (FAPE) and are prohibited from discriminating against students with disabilities. 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 to the educational opportunities guaranteed to them. 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 to take any required corrective action. The rule requires districts to take specific actions and provides the department with the ability to withhold funds.

For the 2021-2022 school year, the Oregon Department of Education reports that there were a total of 78, 716 students enrolled in special education, or 14.2 percent of the state's total student enrollment.

Senate Bill 923 requires school districts to designate a student's enrollment in a school or program that comports with specific sections and chapters of state law.