

**SB 758 A STAFF MEASURE SUMMARY****Carrier:** Sen. Gelser Blouin**Senate Committee On Education****Action Date:** 03/28/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-1-0-0**Yeas:** 6 - Anderson, Dembrow, Frederick, Gelser Blouin, President Wagner, Weber**Nays:** 1 - Robinson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Lisa Gezelter, LPRO Analyst**Meeting Dates:** 3/14, 3/28**WHAT THE MEASURE DOES:**

Requires school district to provide records about a child's identification, evaluation, education placement, and provision of a free appropriate public education (FAPE) to a parent without undue delay and never exceeding 10 days from the date a request is received. Allows redaction only to protect privacy of other children. Requires rules adopted for hearings to be consistent with contested case hearings under the Administrative Procedures Act with certain exceptions. Prohibits school districts from restricting or discouraging school employees or volunteers from participating in good faith in interviews with designated individuals, making a good faith report of a violation of state or federal law involving special education, sharing information with a student or the student's parent, reporting on inappropriate restraint or seclusion, reporting suspected abuse or neglect, or reporting a suspected violation of a child's rights. Prohibits school districts from requiring parent, employee, or volunteer from signing nondisclosure agreements in specific situations. Prohibits school districts from causing the belief that the district will reduce or revoke services or impose a financial penalty due to the parent or student's disclosure of information about a settlement or resolution of a complaint. Requires State Board of Education complaint procedures to comply with state special education law. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Access to records
- Needs of students with disabilities and their families

**EFFECT OF AMENDMENT:**

Clarifies timeline for records requests. Removes provisions relating to burden of proof. Removes 10-day requirement for district to provide evidence.

**BACKGROUND:**

Federal law (the Individuals with Disabilities Education Act, or IDEA, and Section 504 of the Rehabilitation Act) works 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 those students. 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 to the educational opportunities guaranteed to them. In response, the State Board of Education 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 statutory 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

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to take specific actions and provides the department with the ability to withhold funds.

Senate Bill 758 A modifies statutes relating to the records of identification, evaluation, educational placement, and provision of FAPE to students with disabilities as well as statutes relating to cases when those identifications, evaluations, and placements are disputed.