

**SB 819 D BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Hudson

**Joint Committee On Ways and Means**

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**Action Date:** 06/23/23

**Action:** Do pass with amendments to the C-Eng bill. (Printed D-Eng.)

**House Vote**

**Yeas:** 8 - Cate, Evans, Gomberg, Holvey, McLain, Pham K, Sanchez, Smith G

**Nays:** 3 - Breese-Iverson, Lewis, Valderrama

**Exc:** 1 - Reschke

**Senate Vote**

**Yeas:** 10 - Anderson, Campos, Dembrow, Findley, Frederick, Gelser Blouin, Girod, Knopp, Sollman, Steiner

**Exc:** 1 - Hansell

**Prepared By:** Mike Streepey, Department of Administrative Services

**Reviewed By:** Julie Neburka, Legislative Fiscal Office

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**Department of Education  
2023-25**

**Budget Summary**

	2021-23	2023-25	2023-2025	Committee Change from	
	Legislatively Approved Budget	Current Service Level Budget	Committee Recommendation	2021-23 Leg. Approved	
				\$ Change	% Change
General Fund	\$ -	\$ -	\$ 3,140,320	\$ 3,140,320	100.0%
Total	\$ -	\$ -	\$ 3,140,320	\$ 3,140,320	100.0%

**Position Summary**

Authorized Positions	0	0	13	13
Full-time Equivalent (FTE) positions	0.00	0.00	11.96	11.96

**Summary of Revenue Changes**

Senate Bill 819 appropriates \$3,140,320 General Fund to the Oregon Department of Education (ODE) for staffing to provide technical assistance, monitoring and evaluation, supervision and enforcement, and guidance and training to ensure students with disabilities receive the same number of hours of instruction and equal educational services as the majority of students without disabilities.

**Summary of Joint Committee on Ways and Means Action**

Senate Bill 819 clarifies existing provisions and enacts new requirements related to the placement of students with disabilities, or who may have disabilities, onto abbreviated school days. The bill applies to students beyond those eligible for an individualized education program (IEP) to include students who have a disability under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 79 or who have not been determined to be eligible for special education and related services, as provided by Oregon Revised Statutes Chapter 343, but for whom a request or referral for evaluation or eligibility determination has been made. The measure enacts a number of provisions to strengthen ODE and district accountability, to limit the use of abbreviated school days for students with disabilities.

By federal law, every student with a disability is entitled to a free appropriate public education. State law cannot change federal obligations. Additionally, ODE already has general supervision responsibility to ensure existing federal and state laws related to the education of student with disabilities are implemented accordingly. However, Senate Bill 819 adds new requirements to state law related to the education of students with disabilities, in part to ensure existing federal obligations are met, and to fulfill the rights of students and clarify the responsibilities of districts and ODE. The changes in Senate Bill 819 will entail new work for ODE and require staffing to implement the changes and will expand the student population under consideration beyond those with an IEP to include students on a 504 plan. At the same time, the definition of abbreviated school day is amended with the bill. These two changes combined result in an uncertain workload for ODE at this time.

The measure introduces two distinct sets of responsibilities for technical assistance and monitoring for ODE. The first set, related to Individuals with Disabilities Act (IDEA), will be handled within the Office of Enhancing Student Opportunities. The second set, specific to 504 issues, will be assigned to the Government and Legal Affairs team within the Director's Office. The revised definition of a student with a disability under the measure now encompasses those eligible for a 504 plan, putting ODE in the role in providing essential guidance and technical support to districts, families, and educational partners. This support will involve clarifying 504 eligibility requirements, assisting with the application of Senate Bill 819 to students with 504 plans, and conducting ongoing monitoring of the expanded student population for compliance purposes. ODE anticipates an increase in the number of complaints and appeals related to 504 eligibility. The bill also expands enforcement actions on the part of the state. Senate Bill 819 obligates ODE to take specific enforcement measures when a school district fails to comply with provisions outlined in the bill. These enforcement actions encompass withholding State School Fund resources, designating a school district as nonstandard, and prescribing compensatory education services. These responsibilities will require additional evaluation and monitoring of districts for abbreviated school day accountability and when appropriate, the application of enforcement actions.

A one-time General Fund appropriation of \$3,140,320 is made to ODE Department Operations to fund 13 positions (11.96 FTE) along with related Services and Supplies costs to perform the following bodies of work:

- Technical assistance and Federal compliance;
- State School Fund withholding tracking and computation of needed amounts to be withheld;
- Processes for technical assistance and State enforcement – IDEA;
- State enforcement process – 504; and
- Division 22 enforcement alignment.

Some aspects of this work may not be ongoing beyond the 2023-25 biennium, and it remains unclear how much work will be required by the Department on an ongoing basis. As such, these are all limited duration positions for the 2023-25 biennium. The limited duration positions are each 0.92 FTE and include six Education Specialist 2, four Administrative Specialist 2, one Program Analyst 4, one Operations and Policy Analyst 4, and one Education Program Manager 3 position.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**Oregon Department of Education**  
**Mike Streepey – 971-283-1198**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
<b>SCR 100 - Department Operations</b>									
Personal Services	\$ 2,570,984	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,570,984	13	11.96
Services and Supplies	\$ 569,336	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 569,336		
TOTAL ADJUSTMENTS	\$ 3,140,320	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,140,320	13	11.96
SUBCOMMITTEE RECOMMENDATION	\$ 3,140,320	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,140,320	13	11.96