

Senate Bill 971

Sponsored by Senator GELSER BLOUIN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DAS to set up a program to train educational surrogates. (Flesch Readability Score: 63.4).

Directs the Department of Administrative Services to contract with a disability protection and advocacy agency to develop and administer a certification program for educational surrogates.

Appropriates moneys to the Department of Administrative Services for the certification program.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to educational surrogates; creating new provisions; amending ORS 419B.220 and 419B.223;
3 and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Educational surrogate certification program.** (1) **The Department of Admin-**
6 **istrative Services shall enter into a contract with a nonprofit organization to develop and**
7 **administer a certification program for educational surrogates. In awarding the contract, the**
8 **department shall consult with the Oregon Council on Developmental Disabilities and organ-**
9 **izations that provide support, programs and resources to children with disabilities and their**
10 **families.**

11 (2) **The program must provide training and instruction on, at a minimum:**

12 (a) **The history of section 504 of the Rehabilitation Act, 29 U.S.C. 794, the Americans with**
13 **Disabilities Act, 42 U.S.C. 12131-12165, and the Individuals with Disabilities Education Act,**
14 **20 U.S.C. 1400 et seq.;**

15 (b) **The individualized education program process;**

16 (c) **Negotiation and communication skills;**

17 (d) **The filing of formal complaints and requests for mediation;**

18 (e) **Behavior support needs and options;**

19 (f) **Abbreviated school days;**

20 (g) **Restraint and seclusion;**

21 (h) **Student discipline; and**

22 (i) **Transportation.**

23 (3)(a) **The program shall require at least 20 hours of training for an educational**
24 **surrogate's initial certification and three hours of training every two years thereafter for**
25 **recertification.**

26 (b) **The program shall require applicants to demonstrate proficiency in the program ma-**
27 **terials in writing and orally at the time of initial certification and each recertification**
28 **thereafter.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) An initial certification is valid for two years. At the end of the two years, and every
2 four years thereafter, the applicant must apply for recertification.

3 (4) The program administrator shall maintain a current list of certified educational sur-
4 rogates and make that list available to the Department of Education, the CASA Volunteer
5 Program as defined in ORS 184.489, the Department of Human Services, the Judicial De-
6 partment and nonprofit organizations that provide support, programs and resources to fam-
7 ilies experiencing disability.

8 (5)(a) The program administrator's compensation must reflect reasonable reimbursement
9 for the provision of training, travel, facility rental, translation services and material devel-
10 opment.

11 (b) The program administrator shall calculate the certification program tuition by divid-
12 ing the program administrator's compensation under this subsection by the anticipated
13 number of participants for the given year.

14 (6)(a) The program shall administer a grant program for certification applicants to cover
15 certification program tuition, travel expenses and a daily stipend.

16 (b) To be eligible to receive a grant under this subsection, a certification applicant must:

17 (A) Commit to a minimum of two years of service as an educational surrogate;

18 (B) Agree to accept court appointment under ORS 419B.220 for a minimum of four stu-
19 dents per school year; and

20 (C) Agree not to take on other clients for pay as an education advocate in a given school
21 year until the applicant has been appointed under ORS 419B.220 for at least eight students
22 in the school year.

23 (7) The program may accept a certification applicant that is not a grant recipient under
24 subsection (6) of this section if space remains available in a given training session. The pro-
25 gram shall charge a certification applicant attending under this section the certification
26 program tuition calculated under subsection (5)(b) of this section.

27 (8) As used in this section, "program administrator" means the nonprofit organization
28 contracted with by the Department of Administrative Services to administer the certification
29 program.

30 **SECTION 2.** Section 1 of this 2025 Act is amended to read:

31 **Sec. 1.** (1) The Department of Administrative Services shall enter into a contract with a
32 nonprofit organization to develop and administer a certification program for educational surrogates.
33 In awarding the contract, the department shall consult with the Oregon Council on Developmental
34 Disabilities and organizations that provide support, programs and resources to children with disa-
35 bilities and their families.

36 (2) The program must provide training and instruction on, at a minimum:

37 (a) The history of section 504 of the Rehabilitation Act, 29 U.S.C. 794, the Americans with Dis-
38 abilities Act, 42 U.S.C. 12131-12165, and the Individuals with Disabilities Education Act, 20 U.S.C.
39 1400 et seq.;

40 (b) The individualized education program process;

41 (c) Negotiation and communication skills;

42 (d) The filing of formal complaints and requests for mediation;

43 (e) Behavior support needs and options;

44 (f) Abbreviated school days;

45 (g) Restraint and seclusion;

1 (h) Student discipline; and

2 (i) Transportation.

3 (3)(a) The program shall require at least 20 hours of training for an educational surrogate’s in-
4 itial certification and three hours of training every two years thereafter for recertification.

5 (b) The program shall require applicants to demonstrate proficiency in the program materials in
6 writing and orally at the time of initial certification and each recertification thereafter.

7 (c) An initial certification is valid for two years. At the end of the two years, and every four
8 years thereafter, the applicant must apply for recertification.

9 (4) The program administrator shall maintain a current list of certified educational surrogates
10 and make that list available to the Department of Education, the CASA Volunteer Program as de-
11 fined in ORS 184.489, the Department of Human Services, the Judicial Department and nonprofit
12 organizations that provide support, programs and resources to families experiencing disability.

13 (5)(a) The program administrator’s compensation must reflect reasonable reimbursement for the
14 provision of training, travel, facility rental, translation services and material development.

15 (b) The program administrator shall calculate the certification program tuition by dividing the
16 program administrator’s compensation under this subsection by the anticipated number of partic-
17 ipants for the given year.

18 (6)(a) The program shall administer a grant program for certification applicants to cover certi-
19 fication program tuition, travel expenses and a daily stipend.

20 (b) To be eligible to receive a grant under this subsection, a certification applicant must:

21 (A) Commit to a minimum of two years of service as an educational surrogate;

22 (B) Agree to accept court appointment under ORS 419B.220 for a minimum of four students per
23 school year; and

24 (C) Agree not to take on other clients for pay as an education advocate in a given school year
25 until the applicant has been appointed under ORS 419B.220 for at least eight students in the school
26 year.

27 (7) The program may accept a certification applicant that is not a grant recipient under sub-
28 section (6) of this section if space remains available in a given training session. The program shall
29 charge a certification applicant attending under this section the certification program tuition cal-
30 culated under subsection (5)(b) of this section.

31 **(8) The program shall develop and administer an abbreviated training program for sur-**
32 **rogates appointed under ORS 419B.220 (3).**

33 [(8)] (9) As used in this section, “program administrator” means the nonprofit organization con-
34 tracted with by the Department of Administrative Services to administer the certification program.

35 **SECTION 3. Certification program tuition. Except as otherwise provided by the Depart-**
36 **ment of Administrative Services by rule, the program administrator under section 1 of this**
37 **2025 Act shall calculate the educational surrogate certification program tuition under section**
38 **1 (5)(b) of this 2025 Act.**

39 **SECTION 4.** ORS 419B.220 is amended to read:

40 419B.220. (1) Upon the request of any party, the court shall appoint a surrogate for a child who
41 is temporarily or permanently in the custody of, or committed to, a public or private agency through
42 the action of the juvenile court if:

43 (a) The court finds that the child may be eligible for special education programs because of a
44 disabling condition as provided in ORS chapter 343;

45 (b) The child does not already have a surrogate appointed by a school district or other educa-

1 tional agency; and

2 (c) The requesting party nominates a person who is willing to serve as the surrogate and who
3 meets the requirements described in subsection (2) of this section.

4 (2) A surrogate appointed under this section:

5 (a) May not be an employee of the state educational agency, a school district or any other
6 agency that is involved in the education or care of the child;

7 (b) May not have a conflict of interest that would interfere with the surrogate representing the
8 special education interests of the child;

9 (c) [Shall] **Must** have knowledge and skills that ensure that the surrogate can adequately rep-
10 resent the child in special education decisions; [and]

11 **(d) Must be certified as provided in section 1 of this 2025 Act; and**

12 [(d)] (e) May not be a person who is the child's parent, guardian or former guardian if:

13 (A) At any time while the child was under the care, custody or control of the person, a court
14 entered an order:

15 (i) Taking the child into protective custody under ORS 419B.150; or

16 (ii) Committing the child to the legal custody of the Department of Human Services for care,
17 placement and supervision under ORS 419B.337; and

18 (B) The court entered a subsequent order that:

19 (i) The child should be permanently removed from the person's home, or continued in substitute
20 care, because it was not safe for the child to be returned to the person's home, and no subsequent
21 order of the court was entered that permitted the child to return to the person's home before the
22 child's wardship was terminated under ORS 419B.328; or

23 (ii) Terminated the person's parental rights under ORS 419B.500 and 419B.502 to 419B.524.

24 **(3) Notwithstanding subsection (2)(d) of this section, a court may appoint a surrogate**
25 **that is not certified under section 1 of this 2025 Act if, after a reasonable search, there are**
26 **no certified surrogates available to serve.**

27 **(4) The court may set a reasonable rate for compensation of a surrogate appointed under**
28 **this section, to be paid by the Department of Human Services.**

29 **SECTION 5.** ORS 419B.223 is amended to read:

30 419B.223. (1) A person that is appointed surrogate for a ward has the duty and authority to
31 protect the due process rights of the ward with respect to the provision of free appropriate public
32 education.

33 (2) A surrogate appointed by the court shall immediately apply to the attending school district
34 for an evaluation of the ward's eligibility for special education and shall participate in the devel-
35 opment of the ward's educational plan as provided in ORS chapter 343.

36 (3) The duties and responsibilities of the surrogate shall continue until whichever of the fol-
37 lowing occurs first:

38 **(a) The surrogate is dismissed by the court;**

39 [(1)] **(b)** The ward is 21 years of age;

40 [(2)] **(c)** The ward is determined to be no longer eligible for special education; or

41 [(3)] **(d)** The juvenile court terminates wardship and determines that the child's parent or
42 guardian is both known and available to protect the special educational rights of the child.

43 **(4) After a surrogate's duties have discontinued based on subsection (3)(a) or (c) of this**
44 **section, the surrogate may provide continuing advocacy services:**

45 **(a) As engaged by the Department of Human Services; or**

1 (b) Upon the request of the family.

2 **SECTION 6. Appropriation.** (1) There is appropriated to the Department of Administra-
3 tive Services, for the biennium beginning July 1, 2025, out of the General Fund, the amount
4 of \$_____ for the purpose of establishing the certification program described in section 1
5 of this 2025 Act, including for costs associated with developing the program curricula, staff,
6 data management platform and other necessary expenses.

7 (2) There is appropriated to the Department of Administrative Services, for the biennium
8 beginning July 1, 2025, out of the General Fund, the amount of \$_____ for the purpose of
9 administering the certification program described in section 1 of this 2025 Act, including for
10 the program administrator's compensation and the certification applicant grant program.

11 **SECTION 7.** The amendments to section 1 of this 2025 Act by section 2 of this 2025 Act
12 and the amendments to ORS 419B.220 and 419B.223 by sections 4 and 5 of this 2025 Act be-
13 come operative on July 1, 2028.

14 **SECTION 8.** The section captions used in this 2025 Act are provided only for the con-
15 venience of the reader and do not become part of the statutory law of this state or express
16 any legislative intent in the enactment of this 2025 Act.

17 **SECTION 9.** This 2025 Act takes effect on the 91st day after the date on which the 2025
18 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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