

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Education

MEASURE: HB 2597 A
CARRIER: Rep. Buckley

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/03/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/20, 03/02, 04/03

Vote:

Yeas: 8 - Barreto, Doherty, Frederick, McLain, Piluso, Reardon, Sprenger, Wilson

Exc: 1 - Hack

Prepared By: Richard Donovan, Committee Administrator

WHAT THE MEASURE DOES:

Requires that notice of truancy delivered to truant student must state that parent has right to request Individualized Education Program (IEP) evaluation meeting, or review for student already on IEP. Further requires truancy proceedings, including but not limited to those that lead to legal citation against parents by school administrator, to be paused until conclusion of IEP request made. Declares emergency, effective July 1, 2015.

ISSUES DISCUSSED:

- Goal of delivering services to students in a timely fashion
- Generally high quality of work done by special education evaluators
- Desire to give parents and students a right to intervene in truancy process
- Concern with process required by measure, specifically ability of truancy to trigger special education evaluation
- Consideration of need to address truancy and truancy related to special education needs as distinct issues
- Concern that bill as drafted is too broad, specifically regarding use of word "cause"
- Potential for informal work group to address concerns, potentially work on amendment language
- Amended measure a compromise agreed upon by all work group participants

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

Special education refers to the system that organizes the provision of education for students with disabilities. The system consists of administrative structures, a body of case law and statutes, legal processes, and specialized educational delivery systems. For each student identified as having a disability and eligible for special education services, an IEP must be prepared by a special education committee. The IEP committee is legally required to include the child's teacher, a school district representative, someone familiar with the evaluation process used, and the child's parents. Under certain circumstances, the student may also participate in development of the IEP. In the 2009-2010 school year, the Oregon Department of Education (ODE) found 13 percent of Oregon students qualified for some form of special education service.

Special education remains a complicated policy issue area, both in Oregon and nationally, for a variety of reasons, including but not limited to: the expense associated with services, generally strong parental advocacy on the issue, a lack of trained specialists in the field, and a historic over-identification of students needing special services.

House Bill 2597-A requires schools to give notice through existing processes that a student given a truancy notice is eligible for either an IEP meeting or IEP review, as appropriate. The measure also pauses all legal proceedings related to truancy until the time that the requested IEP evaluation process or review process has concluded.