

**NOTICE OF PROPOSED RULEMAKING\***

A Statement of Need and Fiscal Impact accompanies this form.

State Board of Education

581

Agency and Division

Administrative Rules Chapter Number

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**RULE CAPTION**

Modifies provisions relating to provision of special education and related services.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND:**

581-015-2000; 581-015-2090; 581-015-2440; 581-015-2735

**REPEAL:**

**Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority: ORS**

ORS 343.041, 343.045, 343.155 & 343.223

**Other Authority:**

**Statutes Implemented: ORS**

ORS chapter 343

*Continued on next page*

**Continuation of ... NOTICE OF PROPOSED RULEMAKING\*****RULE SUMMARY**

The proposed division 15 rule changes serve two purposes: 1) to bring Oregon into compliance with the new consent revocation regulations enacted by the US Department of Education on December 31, 2008 and 2) to \clean up\ some definitions appearing in the Oregon Administrative Rules to make them consistent with the definitions contained in the Oregon Revised Statutes.

The proposed amendments to the consent regulations allow parents to unilaterally withdraw consent for the provision of special education and related services under the IDEA. It also prescribes the appropriate procedures for school districts to follow when a parent revokes consent.

The proposed amendments to the definitions do not represent a change to the substance of the definitions. The purpose of the proposed definition changes is to make them more clear and understandable.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

09-23-2009	5:00 pm	Cindy Hunt	Cindy.L.Hunt@state.or.us	08/14/2009
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 923-2003

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

State Board of Education

581

Agency and Division

Administrative Rules Chapter Number

Modifies provisions relating to provision of special education and related services.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

581-015-2000; 581-015-2090; 581-015-2440; 581-015-2735

Statutory Authority: ORS

ORS 343.041, 343.045, 343.155 & 343.223

Other Authority:

Stats. Implemented: ORS

ORS chapter 343

Need for the Rule(s):

The proposed rule amendments bring Oregon into compliance with the new consent revocation regulations enacted by the US Department of Education on December 31, 2008 and are also consistent with Senate Bill 72 enacted by the 2009 legislature.

Documents Relied Upon, and where they are available:

None

**Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**

**Fiscal and Economic Impact:**

There will be no impact based on the rule amendments. However, under the new federal regulations, if a parent revokes consent for Special education services under IDEA, the federal funding for that student will no longer be available. Nonetheless, the school district may still be required to provide services for the student under 504 - out of its general education funds.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

There will be no impact based on the rule amendments. However, under the new federal regulations, if a parent revokes consent for Special education services under IDEA, the federal funding for that student will no longer be available. Nonetheless, the school district may still be required to provide services for the student under 504 - out of its general education funds.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

None

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

NA

**c. Equipment, supplies, labor and increased administration required for compliance:**

NA

**How were small businesses involved in the development of this rule?**

NA

Administrative Rule Advisory Committee consulted?:

Yes  No

If not, why?:

Empty text box for providing reasons if not consulted.

09-23-2009 5:00 pm	Cindy Hunt	Cindy.L.Hunt@state.or.us	08/14/2009
Last Day (m/d/yyyy) and Time for Public Comment	Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy