

SB 263 B STAFF MEASURE SUMMARY**Carrier:** Rep. Sollman**House Committee On Education****Action Date:** 05/22/17**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-2-0**Yeas:** 7 - Doherty, Hernandez, McLain, Parrish, Sollman, Sprenger, Vial**Exc:** 2 - Evans, Wilson**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Alethia Miller, LPRO Analyst**WHAT THE MEASURE DOES:**

Prevents school district from unilaterally placing student on an abbreviated school day program regardless of student's age. Allows school district to provide an abbreviated school day program if student's individual education program team meets standards. Establishes standards for abbreviated school day programs. Requires school district provide to parent of student with abbreviated school days the student's right to instruction and the prohibition against a school district unilaterally placing a student on an abbreviated school day program. Defines abbreviated school day program as an education program in which a district restricts a student's access to hours of instruction and results in student having abbreviated school day by 10 days or more. Defines unilaterally placed as a placement by a school district without the consent of a student's parent. Defines *parent*. Removes application to students being taught by private teacher. Becomes operative 2017-2018 school year. Declares emergency, effective July 1, 2017.

ISSUES DISCUSSED:

- Concerns expressed by Disability Rights Oregon
- Lack of instructional time for students with disability
- Parental concerns when students are removed from school and ways to assist students
- Purpose for students to be on shortened school day, and concerns when student's families are threatened with shortened school days

EFFECT OF AMENDMENT:

Defines abbreviated school day program as an education program in which a district restricts a student's access to hours of instruction and results in student having abbreviated school day for 10 days or more. Defines unilaterally placed as a placement by a school district without the consent of a student's parent. Defines *parent*. Removes application to students being taught by private teacher.

BACKGROUND:

Disability rights advocates have expressed concerns in decreasing instructional time for students on Individualized Education Programs (IEPs). Oregon Administrative Rule 581-022-1620 sets forth the requirements for instructional time in Oregon public schools. Districts are required to ensure that at least 92 percent of all students in the district receive the following number of hours in instructional time: Grade 12 requires 966 hours; grades 9 through 11 require 990 hours; and grades K through 8 require 900 hours. These rules apply to students with disabilities. The Oregon Department of Education (ODE) recommends that whenever a district chooses to decrease instructional time for a student on an IEP that it be reserved for students with the most severe behaviors, and this assumes that less

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restrictive alternative placements have already failed. Therefore reducing the instructional time is a last resort.

ODE cites the following behaviors from a school district as possibly violating a student's access to a free and appropriate public education. These include: (1) behavior contracts that set a quota for "good behavior days;" (2) pattern of calling parents to come pick up students from school; (3) district policies that limit the number of instructional hours regardless of the child's individual circumstances; and (4) reduced instructional days are modeled after IEP goals, objectives or services.

Senate Bill 263-B establishes requirements for a school district to place a student in an abbreviated school day program. It permits such placements if the student's IEP team makes a determination based on the student's need, provides parents with a meaningful opportunity to participate in the decision, and the IEP team documents consideration of at least one full school day-length alternative. The measure also requires school districts to provide notice to parents regarding the district's legal requirements for abbreviated school day programs and obtain a signed acknowledgement from parents each term. Senate Bill 263-B also requires the district to include a statement in the student's IEP regarding the reasons for placement in an abbreviated school day program.