



Senate Education Committee

January 12, 2022

Colt Gill, Director

North Star

- ODE's priority is to reliably and safely hold school in-person, all day, every school day, for every student, all year long.
- This expectation includes all public schools, charter schools, district & ESD programs, including but not limited to:
 - Alternative Schools
 - YCEP/JDEP/LTCT
 - Programs that exclusively serve students experiencing disabilities
- A variety of factors (e.g., ongoing staffing shortages, recent increases in COVID-19 rates due to the Omicron variant) have required school leaders to seek local solutions to meet this north star to the greatest extent possible.

Supports

- School operations follow the [*Ready Schools Safe Learners Resiliency Framework*](#).
 - Under this framework, school operations return to authority of Oregon Administrative Rule and Oregon Statutes, rather than the requirements of Emergency Executive Orders.
 - Therefore, districts and programs must meet all standard instructional time requirements in Division 22 ([OAR 581-022-0102\(30\)](#) and [OAR 581-022-2320](#)).
- Neither the U.S. Department of Education Office of Special Education Programs nor the ODE has granted any waivers from the expectations of the Individuals with Disabilities Education Act. ODE recently affirmed this position with this [policy letter](#).
- The ODE Office of Enhancing Student Opportunities shared that policy letter with all special education directors along with these [reminders to districts and programs](#).
- ODE is providing additional and ongoing supports to districts and ESDs.

Multiple Protections for Students Experiencing Disabilities

- Multiple federal laws protect the rights of students experiencing disabilities (e.g., the [Individuals with Disabilities Education Act \[IDEA\]](#), *Americans with Disabilities Act [ADA]* and *Section 504 of the Rehabilitation Act of 1973 [Section 504]*).
- Under the [IDEA](#), the [primary guarantee](#) and protection is an individual right to a [free appropriate public education \(FAPE\)](#), in conformity with an individualized education program (IEP).
- Under the *ADA and Section 504*, the *primary guarantee* is equitable access, including *protection from discrimination*.
- Changes to the length of a school week for a student experiencing disability must comply with all relevant laws, including the IDEA, the ADA, and Section 504.



Questions?