

SB 819 STAFF MEASURE SUMMARY

Senate Committee On Education

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Modifies statutes related to abbreviated school days. Changes definition of abbreviated school day so comparison group is majority of students in the same grade within the student's resident district. Adds foster advocate as person who can participate in meeting to discuss placement. Adds definition of meaningful access. Expands definition of parent. Adds education service districts to prohibition on unilaterally placing a student on an abbreviated school day. Requires school districts to document efforts to provide meaningful access to the same number of hours of instruction or educational services provided to students in same grade in same district. Prohibits school districts from considering staffing shortages when placing a student on abbreviated school days. Lists examples of abbreviated school days. Requires that recommendation of individualized education program (IEP) team be based on the student's individual needs, not available resources. Requires school district to offer at least one option that provides supports sufficient to allow student to attend full days. Requires school districts to inform parents and foster advocates of students' rights to access full days of instruction, the prohibition on unilateral placement, and the parents' or foster advocates' rights to withdraw consent. Prohibits placement on abbreviated days unless parent or foster advocate provides informed and written consent. For students placed on an abbreviated school day program, requires district to notify parents or foster advocates every 30 days of the student's right to access full days and the parents' or foster advocates' right to withdraw consent to the abbreviated day placement. Requires signed consent every 30 days from parents or foster advocates. Requires IEP meeting every 30 days to discuss placement and establishes requirements for those meetings. Requires district superintendent review for any student placed on abbreviated day program for more than 60 days or 90 days during the school year. Requires written documentation from district superintendent of compliance with state and federal law. Establishes requirements for written documentation. Establishes additional documentation requirements for superintendents in cases where students in grades 9-12 are not expected to graduate on time. Requires superintendent's documentation be sent to parents, foster advocates, and the Oregon Department of Education (ODE). Defines failure to comply with documentation requirements as gross neglect of duty for district superintendents. Establishes right of parent or foster advocate to revoke consent for placement on abbreviated school day program at any time. In cases where consent is revoked. Requires district to ensure student has access to full days within five school days of revocation. Requires ODE to initiate investigation when it determines that a district is not in compliance. Establishes requirements for investigations. Provides for enforcement actions if Superintendent of Public Instruction finds that school districts is not in compliance. Requires district superintendent to review all abbreviated day placements on the effective date. Declares emergency, effective March 27, 2023.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

This summary has not been adopted or officially endorsed by action of the committee.

SB 819 STAFF MEASURE SUMMARY

In January, 2019, advocates for students with disabilities filed a class-action lawsuit in federal court, alleging that the State of Oregon had failed to ensure that students with disabilities had access the educational opportunities guaranteed to them. At issue were instances of Oregon school districts placing students with disabilities onto shortened school days, and the Oregon Department of Education's failure to take the steps necessary to ensure these students' rights to a free, appropriate public education were upheld. In June, 2022, the court-ordered neutral fact-finder issued a report detailing their findings, including that there is no consistent use of signed parental permission, there are no mandated trainings provided by ODE, districts' record-keeping is often poor or neglected, the state has no effective or efficient way to gather data or monitor the use of shortened days, some districts withheld information, students are sometimes placed in permanent shortened day programs, students are often required to "earn" a full school day, students often did not have any behavioral goals or a behavioral intervention plan, and that in many cases parental consent was not obtained.

The State Board enacted a General Supervision Rule in July, 2022 (OAR 581-015-2015) that allows the Department to monitor whether school districts are operating in compliance with legal and regulatory requirements. The rule is specific to programs for students with disabilities and allows the department to provide technical assistance, coaching, and professional development, to notify districts of any identified noncompliance within three months (or 30 days in certain cases), and any required corrective action. The rule requires districts to take specific actions and provides the Department with the ability to withhold funds.

Senate Bill 819 clarifies existing provisions and enacts new requirements related to the placement of students onto abbreviated school days.