

## SB 819A with -A13 amendments FAQ

### **Does this bill capture charter schools and magnet academies in the definition of abbreviated day?**

Only if their day is shorter than the school day of the majority of other students who are in the same grade within the school district. If it is shorter, this raises questions as to why, and whether a schedule that offers a shorter day best meets the needs of a student who needs specially designed instruction. By considering a shorter day at a charter school or magnet academy an abbreviated day (if it is indeed shorter), there will be increased scrutiny, feedback and intentionality.

### **Why is online school an abbreviated placement?**

Although full-time online school doesn't seem like an abbreviated day for a general education student, there are concerns when it comes to special education. Online school makes it harder to deliver supports, students are more isolated from non-disabled peers, there is far less interaction with teachers, and there is far less oversight of a student's progress. Because of this, the extra intentionality and oversight provided by the quarterly check-ins is important. Furthermore, considering online school an abbreviated day under SB 819 allows students the right to insist on returning to full-time in-person instruction if the parent believes in-person would provide the least restrictive environment.

### **What about other non-special education special programs?**

The bill makes exceptions for programs such as accelerated learning, alternative schools, incarcerated youth, long-term care and treatment, students who have graduated but still receive services, and other situations.

### **Can a school still suspend or expel a student for disciplinary reasons?**

Yes. This bill changes nothing about current law concerning discipline. There is an established process for discipline for students with disabilities, and that remains in effect.

**Does this bill have a fiscal impact?**

We are getting the fiscal paperwork on this. We anticipate a cost of \$1 million to \$4 million.

**Is this bill an unfunded mandate?**

Districts may find that they need to reallocate the way in which they are using resources. However, they have always had the requirement to offer a full day of education to all of their students, and they have been receiving SSF dollars with the understanding that they should do so. SB 819 does not create a new obligation.

**Why can't we wait to pass SB 819 until schools hire enough staff?**

Federal law already states that staffing is not an excuse for denying free, appropriate public education. Codifying this in Oregon law ensures that Oregon follows Federal law. The workforce crisis is real, but it students with disabilities and their families have rights that are currently being denied and our school districts must recruit and retain the staff they need.

**Can a district or ESD create an abbreviated day program that offers a shortened day to all students in the program?**

Yes they can. The obligation to meet a full day of educational opportunity rests with the home district. A district could still offer a full day by placing a student in a partial day at a special program and also adding further services. However, in designing a schedule that is intended to be a full day for all of its students, an ESD would do well to consider matching the requirements of each of its component districts, which means matching the length of day offered by the district with the longest day.

**How do you calculate whether a special program adds up to the equivalent of a full day offered to the majority of students in a district if their schedules are different?**

You can calculate total hours over two ordinary school weeks. This allows for the late start, early release and four-day schedules that some schools use.

**Shouldn't the IEP team be the one to decide whether an abbreviated day is appropriate?**

An IEP team can decide where and how a student receives education, but a student has a right to a full day, and an IEP team can't take away a right.

**What about students who don't have the endurance to attend a full day of school?**

In this case, a parent could consent to an abbreviated day if they felt it was best for their child, or, if they insist on a full day and the IEP team feels that a full day *at school* is too much, they could create a placement that includes alternative settings including home instruction by district staff.

**Why does this bill go after superintendent licenses?**

The bill does not automatically discipline superintendents nor presume a finding by TSPC. At the moment there are districts that are out of compliance, and remain out of compliance, and ODE has said that it does not have the ability to enforce compliance. A superintendent, as the authority in the district, is responsible for making sure the district follows state and federal law. Upon complaint, this bill lets TSPC consider all the facts of the situation and come to a decision about whether a superintendent is denying a student their right to free, appropriate public education.

**Will districts have to provide compensatory services to students who were involuntarily placed on an abbreviated day prior to passage of this bill?**

No. Any compensatory services would be for services denied following passage of the bill. Following passage of this bill, a district must provide one hour of instruction for every two hours of instruction or educational services that were denied.

**What does this bill do to assure safety of students and the staff who support them?**

A district has an obligation to ensure the safety of its students and staff, but an abbreviated day is not a solution to a behavior problem. The district will have to make sure that the placement for a student is in a safe setting with trained staff. This is already the law. There are already disciplinary and special education statutes in place addressing suspensions, expulsions, and alternate placements pending the development of a functional behavior assessment and a behavior support plan.

**What is your plan for supporting districts during this difficult transition?**

We are working on a budget note with ODE to provide support for districts. The idea is to create a “flight team” that can react quickly to bring expert advice and support to a district that can’t figure out how to serve a student. We think we can arrange for \$8 million to be used for this program.