

SB 819 B -B17 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 6/21

WHAT THE MEASURE DOES:

Modifies statutes related to abbreviated school days for students with disabilities or who may have a disability. Establishes comparison to resident school district and allows comparison over course of two full school weeks. Allows the student's individualized education program (IEP) team to recommend abbreviated school days based on a student's individual needs only after the opportunity for a parent or foster parent to meaningfully participate in discussion of placement, the district documents one alternative that was offered as well as the specific provisions of the abbreviated school day program, and parent or foster parent is provided with written information and provides informed written consent. Allows parent or foster parent to revoke consent. Establishes five-day timeline and parameters for returning student to full school days when consent is revoked, as well as extension with parental consent. Requires school district to provide specific written information every 30 calendar days to parent or foster parent for any student placed on an abbreviated school day program. Establishes IEP team meeting requirements for students placed on abbreviated school day programs. Regulates programs or schools that offer fewer hours than other district schools. Establishes timeline and content requirements for school district superintendent reviews and documentation of abbreviated school day program placements. Establishes processes for Oregon Department of Education (ODE) to respond upon receiving complaint or when ODE otherwise believes a school district is not in compliance. Requires ODE to withhold State School Fund moneys commensurate with amount district would be receiving for student when district fails to comply with order issued by ODE. Requires school districts to provide compensatory education. Establishes failure to comply as grounds for discipline by Teacher Standards and Practices Commission (TSPC). Establishes exceptions for specific educational programs. Repeals existing statute related to abbreviated school days. Requires school districts to notify parents about provisions of Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-B17

- Modifies the definition of educational services by adding the time needed to transport a student between locations.
- Clarifies that all disciplinary actions undertaken in accordance with relevant laws and administrative rules are not examples of abbreviated day programs.
- Eliminates requirement for school districts to provide information to parents or foster parents every 30 days and replaces it with a requirement to provide information prior to a meeting of the individualized education program team.
- Eliminates the requirement for school districts to obtain signed acknowledgement from parents or foster parents every 30 days and replaces it with a requirement to hold a meeting of the individualized education program team.
- Adds requirements for review during meetings of the individualized education program team that occur during the student's placement on an abbreviated day program, including obtaining a signed acknowledgement, reviewing progress, considering alternatives, and considering an increase in hours.
- Allows parents or foster parents to specify a date beyond five days for a student's return to full school days.

SB 819 B -B17 STAFF MEASURE SUMMARY

- Specifies that ODE is not required to conduct an investigation upon receipt of a parent's complaint about a violation of this Act.
- Requires ODE to consider whether the parent has granted consent for an extension in its findings.
- Clarifies exemption of disciplinary actions undertaken in accordance with relevant laws and administrative rules from provisions of this Act.
- Adds provision to ensure ability of school districts to request expedited hearings if the district believes injury to the student or others is likely. Adds provisions regulating expedited hearings.
- Adds provisions to allow districts not to obtain retroactive consent for students placed on abbreviated days prior to the effective date of this Act: allows placement to continue until next meeting of the student's individualized education program team and enacts requirements for review at the next meeting of the student's individualized education program team.
- Includes ability of parent or foster parent to specify a later date in revocation or objection in the disclosure districts must send to parents or foster parents of every student with a disability.

BACKGROUND:

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 to 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, a 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 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 to take 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 B clarifies existing provisions and enacts new requirements related to the placement of students with disabilities, or who may have disabilities, onto abbreviated school days.