

Senate Bill 773

Sponsored by Senator GELSER BLOUIN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Superintendent of Public Instruction to require school district to reimburse parent or foster parent for reasonable expenses incurred by parent or foster parent while student was placed on abbreviated school day program in violation of requirements for program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to expenses incurred as a result of violation of abbreviated school day program require-
3 ments; creating new provisions; amending ORS 343.161; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 343.161 is amended to read:

6 343.161. (1) As used in this section:

7 (a) "Abbreviated school day" means any school day during which a student receives instruction
8 or educational services for fewer hours than other students who are in the same grade within the
9 same school.

10 (b) "Abbreviated school day program" means an education program:

11 (A) In which a school district restricts a student's access to hours of instruction or educational
12 services; and

13 (B) That results in a student having an abbreviated school day for more than 10 school days per
14 school year.

15 (c) "Foster youth" means a child or ward who is in the legal custody of the Department of Hu-
16 man Services as provided in ORS 418.015 or 419B.337 and who has been placed in substitute care.

17 (d) "Parent" includes the student, if the student is 18 years of age or older or is emancipated
18 pursuant to ORS 419B.550 to 419B.558.

19 (e) "Unilaterally place" means a placement by a school district without the consent of the
20 student's parent, or, if the student is a foster youth, without the consent of the student's foster
21 parent and, if the student has a surrogate as defined in ORS 419A.004, the consent of the surrogate.

22 (2) A school district may not unilaterally place a student on an abbreviated school day program,
23 regardless of the age of the student.

24 (3)(a) A school district may provide an abbreviated school day program to a student only if the
25 student's individualized education program team:

26 (A) Determines that the student should be placed on an abbreviated school day program:

27 (i) Based on the student's needs; and

28 (ii) After the opportunity for the student's parents to meaningfully participate in a meeting to
29 discuss the placement; and

30 (B) Documents that the team considered at least one option that included appropriate supports

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 for the student and that could enable the student to access the same number of hours of instruction
 2 or educational services that are provided to students who are in the same grade within the same
 3 school.

4 (b) In addition to the requirements prescribed by paragraph (a) of this subsection, unless other-
 5 wise ordered by a court, a school district may provide an abbreviated school day program to a stu-
 6 dent who is a foster youth only if:

7 (A) The student's individualized education program team provided the opportunity for the
 8 student's foster parent to meaningfully participate in a meeting to discuss the placement, including
 9 the reasonable opportunity to physically attend the meeting at which the abbreviated school day
 10 program is discussed; and

11 (B) The school district provides written notification to the foster parent that includes:

12 (i) A statement informing the foster parent of the student's presumptive right to receive the
 13 same number of hours of instruction or educational services as other students who are in the same
 14 grade within the same school and the foster parent's right to request, at any time, a meeting of the
 15 individualized education program team to determine whether the student should no longer be placed
 16 on an abbreviated school day program;

17 (ii) A statement that a school district may not unilaterally place a student on an abbreviated
 18 school day program; and

19 (iii) A statement summarizing the documentation described in paragraph (a)(B) of this sub-
 20 section.

21 (4) If a student is placed on an abbreviated school day program, the school district shall, at least
 22 once each term:

23 (a) Provide the following information in writing to the parent or foster parent of the student:

24 (A) The school district's duty to comply with the requirements of this section;

25 (B) The prohibition against a school district unilaterally placing a student on an abbreviated
 26 school day program; and

27 (C) The student's presumptive right to receive the same number of hours of instruction or edu-
 28 cational services as other students who are in the same grade within the same school and the
 29 parent's or foster parent's right to request, at any time, a meeting of the individualized education
 30 program team to determine whether the student should no longer be placed on an abbreviated school
 31 day program.

32 (b) Obtain a signed acknowledgment from the parent or foster parent of the student that the
 33 parent or foster parent received the information described in paragraph (a) of this subsection.

34 (c) Include in the student's individualized education program a written statement that explains
 35 the reasons the student was placed on an abbreviated school day program.

36 **(5) If the Superintendent of Public Instruction finds that a school district is not in com-**
 37 **pliance with this section, either after receiving a complaint or on its own motion, the su-**
 38 **perintendent shall require the school district to reimburse the parent or foster parent for**
 39 **any reasonable expenses incurred by the parent or foster parent while the student was placed**
 40 **on an abbreviated school day program in violation of this section, including any lost wages**
 41 **or expenses incurred for care while the student was not in school.**

42 [(5)] (6) This section does not apply to:

43 (a) Any abbreviated school days that are a component of discipline imposed in compliance with
 44 ORS 339.250;

45 (b) A student who will be eligible to complete the requirements for a diploma or certificate un-

1 der ORS 329.451 during the school year if the student, and the parent of the student, agree to the
2 abbreviated school day program; or

3 (c) A student whose parent has notified an education service district that the student is being
4 taught by a parent, legal guardian or private teacher under ORS 339.035.

5 **SECTION 2. The amendments to ORS 343.161 by section 1 of this 2023 Act apply to ex-**
6 **penses incurred on or after the effective date of this 2023 Act.**

7 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
9 **on its passage.**

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