

**HOUSE AMENDMENTS TO  
A-ENGROSSED SENATE BILL 819  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON EDUCATION

May 24

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 25 and delete pages 2 through  
2 8 and insert:

3 **“SECTION 1. As used in sections 1 to 6 of this 2023 Act:**

4 **“(1) ‘Abbreviated school day’ means any school day during which a student with a disa-**  
5 **bility receives instruction or educational services for fewer hours than the majority of other**  
6 **students who are in the same grade within the student’s resident school district.**

7 **“(2) ‘Abbreviated school day program’ means an education program:**

8 **“(a) In which a school district restricts access for a student with a disability to hours**  
9 **of instruction or educational services to less than the number of hours of instruction or**  
10 **educational services that are provided to the majority of other students who are in the same**  
11 **grade within the student’s resident school district; and**

12 **“(b) That results in a student with a disability having an abbreviated school day for more**  
13 **than 10 school days per school year.**

14 **“(3)(a) ‘Educational services’ includes any social, learning, enrichment, community or**  
15 **support opportunity or benefit that is offered to the majority of other students who are in**  
16 **the same grade within the student’s resident school district and is offered during the time**  
17 **the majority of schools, school programs and school facilities are open and accessible to the**  
18 **majority of students during the school day, including:**

19 **“(A) Passing time between classes;**

20 **“(B) Recess;**

21 **“(C) Nonacademic assemblies and field trips;**

22 **“(D) Job shadows, internships and community service activities arranged by the school**  
23 **or school district;**

24 **“(E) Optional school programs held during the school day, including study periods and**  
25 **advisory periods that are open to the majority of students in the school;**

26 **“(F) Lunch periods or other meal or snack periods provided to the majority of students**  
27 **of the school; and**

28 **“(G) Reasonable access to school facilities during noninstructional time that is equal to**  
29 **the access available to the majority of other students who are in the same grade within the**  
30 **student’s resident school district.**

31 **“(b) ‘Educational services’ does not include time being transported to or from school or**  
32 **time traveling between a classroom and transportation before or after the school day.**

33 **“(4) ‘504 Plan’ means an education plan developed for a student with a disability in ac-**  
34 **cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.**

1       “(5) ‘Foster parent’ means the foster parent of a child or ward who is in the legal custody  
2 of the Department of Human Services as provided in ORS 418.015 or 419B.337 and who has  
3 been placed in substitute care.

4       “(6) ‘Hours’ includes any fraction of an hour.

5       “(7) ‘Individualized education program team’ includes, when applicable, a team that de-  
6 velops a 504 Plan.

7       “(8) ‘Informed and written consent’ means that a student’s parent or foster parent has  
8 signed and dated a written consent form affirming that:

9       “(a) The parent or foster parent received the information described in section 3 (2) and  
10 (3) of this 2023 Act;

11       “(b) The parent or foster parent was not asked to provide consent for an abbreviated  
12 school day program placement before having an opportunity to meaningfully participate in  
13 a meeting of the individualized education program team;

14       “(c) The school district offered, and the individualized education program team consid-  
15 ered, at least one reasonable alternative placement, as described in section 3 (1)(c) of this  
16 2023 Act, prior to requesting that the parent or foster parent provide consent for an abbrevi-  
17 ated school day program placement;

18       “(d) The parent or foster parent was informed that the individualized education program  
19 team will meet at least once every 30 calendar days during the school year unless the parent  
20 or foster parent provides signed consent to meet less frequently as provided in section 4  
21 (2)(b)(B) of this 2023 Act;

22       “(e) The parent or foster parent was informed that if, during the school year, the indi-  
23 vidualized education program team is scheduled to convene less frequently than once every  
24 30 calendar days during the abbreviated school day program, the school district must con-  
25 vene an individualized education program team meeting within 14 calendar days of receiving  
26 a written request from the parent or foster parent for the meeting;

27       “(f) The parent or foster parent voluntarily signed the consent form for the abbreviated  
28 school day program placement; and

29       “(g) The parent or foster parent was informed of the right to revoke consent, in writing,  
30 to an abbreviated school day program placement at any time and informed that the parent  
31 or foster parent is not required to request or attend an individualized education program  
32 team meeting prior to revoking consent to an abbreviated school day program placement.

33       “(9)(a) ‘Instruction’ means the time during which a student is:

34       “(A) Engaged in regularly scheduled instruction, learning activities or learning assess-  
35 ments that are designed to meet Common Curriculum Goals or grade level academic content  
36 standards or engaged in specially designed instruction that is individualized to support a  
37 student to make meaningful progress in the general curriculum.

38       “(B) Working under the direction and supervision of a licensed or registered teacher, a  
39 licensed career and technical education instructor, a licensed practitioner or an instructional  
40 assistant who is assigned instructionally related activities and is working under the direct  
41 supervision of a licensed or registered teacher.

42       “(b) ‘Instruction’ does not include time spent:

43       “(A) Passing between class, at recess, in nonacademic assemblies, on nonacademic field  
44 trips, traveling to or from school, loading or unloading from a school bus at the start or end  
45 of the student’s school day, participation in optional programs or participation in study pe-

1 riods or advisory periods when attendance is not required and no instructional assistance is  
2 provided.

3 “(B) In an online learning program during which the student is unable to access the  
4 materials or benefit from instruction because the school district has not provided the stu-  
5 dent with the supports necessary to access the materials or instruction, including the sup-  
6 port of an instructional assistant, nursing services, adapted materials or other related  
7 services identified in the student’s individualized education program or 504 Plan as being  
8 necessary for a free appropriate public education.

9 “(10) ‘Meaningful access’ means access to full-time, quality instruction or educational  
10 services that is:

11 “(a) Delivered by:

12 “(A) A qualified licensed teacher; or

13 “(B) Qualified classified staff who are under the direct supervision of a qualified licensed  
14 teacher; and

15 “(b) Synchronous, unless the instruction or educational services are provided by a virtual  
16 public charter school in compliance with ORS chapter 338.

17 “(11) ‘Parent’ includes:

18 “(a) A parent or a legal guardian, other than a state agency.

19 “(b) The student, if the student is 18 years of age or older or is emancipated pursuant  
20 to ORS 419B.550 to 419B.558.

21 “(c) The student’s surrogate, if the student has a surrogate, as defined in ORS 419A.004.

22 “(12) ‘Resident school district’ means the school district in which a student is a resident  
23 under ORS 339.133.

24 “(13) ‘School district’ includes an education service district.

25 “(14) ‘Student with a disability’ means a student who:

26 “(a) Is eligible for special education and related services, as provided by ORS chapter 343;

27 “(b) Has a disability under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and  
28 is eligible for a 504 Plan; or

29 “(c) Has not been determined to be eligible for special education and related services, as  
30 provided by ORS chapter 343, or to be eligible for a 504 Plan, but for whom a request or re-  
31 ferral for evaluation for eligibility determination has been made but not yet completed.

32 “(15) ‘Unilaterally place’ means a placement by a school district without the informed and  
33 written consent of the student’s parent or foster parent.

34 “SECTION 2. (1) The Legislative Assembly finds that:

35 “(a) Students with disabilities have a right to meaningful access to the same number of  
36 hours of instruction and educational services as the majority of students without disabilities  
37 who are in the same grade within the student’s resident school district.

38 “(b) Removal from school is neither a service nor support for students with disabilities.

39 “(c) Use of an abbreviated school day program for students with disabilities should be  
40 infrequent and, under most circumstances, should be used for a limited duration.

41 “(2) Before considering or recommending a student with a disability for an abbreviated  
42 school day program, a school district must document reasonable efforts to provide mean-  
43 ingful access to the same number of hours of instruction and educational services that are  
44 provided to the majority of other students who are in the same grade within the student’s  
45 resident school district.

1       **“(3) A school district may not consider, recommend or implement an abbreviated school**  
2 **day program due to the school district, or a contractor with the school district, having in-**  
3 **adequate staffing available for instruction or educational services.**

4       **“(4) For the purpose of determining if an abbreviated school day program has been im-**  
5 **plemented, or of determining if a student with a disability has received an abbreviated school**  
6 **day for more than 10 school days, the following are considered examples of an abbreviated**  
7 **school day:**

8       **“(a) The school district implementing policies or taking actions that are not applied to**  
9 **the majority of other students who are in the same grade within the student’s resident**  
10 **school district and that cause the student to start school late, to leave school early or to**  
11 **not come to school due to:**

12       **“(A) Lack of school district personnel, including instructional assistants, nursing staff**  
13 **and transportation providers;**

14       **“(B) Convenience of school district staff; or**

15       **“(C) Behaviors related to the student’s disability, unless the schedule is provided pursu-**  
16 **ant to ORS 339.250 or 339.252.**

17       **“(b) The school district releasing the student early from school or requesting or requiring**  
18 **the student not to come to school due to any illness that would not typically have the same**  
19 **effect for the majority of other students who are in the same grade within the student’s**  
20 **resident school district.**

21       **“(c) The school district requesting the student to not attend, prohibiting the student**  
22 **from attending or otherwise making attendance inaccessible for a planned activity, including**  
23 **a field trip, a special event or an outdoor school program.**

24       **“(d) The school district imposing temporary lack of access to education facilities due to**  
25 **construction, special events or weather when that lack of access does not apply to the ma-**  
26 **jority of other students who are in the same grade within the student’s resident school dis-**  
27 **trict.**

28       **“(e) The school district providing transportation that arrives at the student’s school after**  
29 **the start of the school day or leaves from the student’s school before the end of the school**  
30 **day and that causes the student to receive fewer hours of instruction or educational services**  
31 **than the number of hours provided to the majority of other students who are in the same**  
32 **grade within the student’s resident school district.**

33       **“(f) The school district failing to provide transportation identified in the student’s indi-**  
34 **vidualized education program or 504 Plan.**

35       **“(g) The student being placed in a program or school when:**

36       **“(A) The program or school offers all students attending the program or school fewer**  
37 **hours of instruction and educational services than are provided to the majority of other**  
38 **students who are in the same grade within the student’s resident school district; and**

39       **“(B) The student’s resident school district does not provide the student with an addi-**  
40 **tional placement that ensures that the student has meaningful access to the same number**  
41 **of hours of instruction and educational services that are provided to the majority of other**  
42 **students who are in the same grade within the student’s resident school district.**

43       **“(5) If an individualized education program team recommends that a student with a dis-**  
44 **ability be placed in a program or school that offers fewer hours of instruction and educa-**  
45 **tional services than are provided to the majority of other students who are in the same grade**

1 within the student’s resident school district, the school district must inform the parent or  
2 foster parent in a language and format accessible to the parent or foster parent of the fol-  
3 lowing:

4 “(a) That placement in the program or school would be an abbreviated school day pro-  
5 gram placement unless a sufficient number of additional hours of instruction or educational  
6 services are provided to the student to ensure that the student has meaningful access to at  
7 least the same total number of hours of instruction and educational services that are pro-  
8 vided to the majority of other students who are in the same grade within the student’s resi-  
9 dent school district; and

10 “(b) The number of hours of instruction and educational services that, over the course  
11 of two ordinary full school weeks, the student will not be able to access while placed on the  
12 abbreviated school day program if the student is not provided additional hours of instruction  
13 or educational services as described in paragraph (a) of this subsection.

14 “(6)(a) When a school district places a student with a disability in a school or program,  
15 the student’s resident school district shall ensure that the student has meaningful access to  
16 the same number of hours of instruction and educational services that are provided to the  
17 majority of other students who are in the same grade within the student’s resident school  
18 district unless the student’s parent or foster parent has provided informed and written con-  
19 sent for an abbreviated school day program placement.

20 “(b) Prior to the placement of a student with a disability in a school or program, the  
21 student’s resident school district shall ensure that the student has meaningful access to the  
22 same number of hours of instruction and educational services that are provided to the ma-  
23 jority of other students who are in the same grade within the student’s resident school dis-  
24 trict.

25 “(c) When calculating the number of hours of instruction and educational services that  
26 are provided by a school or program that operates on a different schedule than the schedule  
27 of the resident school district of a student with a disability, the resident school district must  
28 compare the total number of hours of instruction and educational services offered over the  
29 course of two ordinary full school weeks to determine whether the student will have mean-  
30 ingful access to the same number of hours of instruction and educational services that are  
31 provided to the majority of other students who are in the same grade in the student’s resi-  
32 dent school district.

33 “(d) The requirements of this subsection apply regardless of whether the resident school  
34 district has control over the school or program that the school district is considering placing  
35 the student with a disability in, including schools and programs that provide services under  
36 a contract with a school district or that serve students from multiple school districts.

37 “(7) A school district may not unilaterally place a student with a disability on an abbrevi-  
38 ated school day program, regardless of the age of the student.

39 “SECTION 3. A school district may not provide an abbreviated school day program to a  
40 student with a disability unless all of the following are satisfied:

41 “(1) The student’s individualized education program team:

42 “(a) Recommends that the student should be placed on an abbreviated school day pro-  
43 gram:

44 “(A) Based on the student’s individual needs, which may not include consideration of a  
45 lack of school district resources, including:

1       “(i) Licensed or classified staff;  
2       “(ii) Availability of training;  
3       “(iii) Accessible facilities; and  
4       “(iv) Related services, including nursing services and transportation services; and  
5       “(B) After the opportunity for the student’s parent or foster parent to meaningfully  
6 participate in a meeting of the individualized education program team to discuss an abbrevi-  
7 ated school day program placement, including the reasonable opportunity to physically at-  
8 tend the meeting of the individualized education program team at which the abbreviated  
9 school day program placement is discussed.

10       “(b) Makes determinations about the instruction and educational services to be offered  
11 to the student based on the student’s individual needs.

12       “(c) Documents that the school district offered at least one reasonable alternative  
13 placement that included appropriate supports for the student and that could enable the stu-  
14 dent to have meaningful access to the same number of hours of instruction and educational  
15 services that are provided to the majority of other students who are in the same grade  
16 within the student’s resident school district.

17       “(d) Documents the specific provisions of the abbreviated school day program, including:  
18       “(A) How the abbreviated school day program will be designed to:  
19       “(i) Support the student’s return to a school day program that is not an abbreviated  
20 school day program; and  
21       “(ii) Make progress toward the student’s individualized learning goals and progress in the  
22 general curriculum;  
23       “(B) The number of hours of instruction and educational services to be provided to the  
24 student while the student is placed on the abbreviated school day program;  
25       “(C) How the student’s progress toward the student’s individualized learning goals and  
26 progress in the general curriculum will be measured; and  
27       “(D) The date by which the student is expected to return to a school day program that  
28 is not an abbreviated school day program.

29       “(2) Prior to the discussion of the abbreviated school day program placement, the school  
30 district provides a written statement to the student’s parent or foster parent in a language  
31 and format accessible to the parent or foster parent informing the parent or foster parent  
32 of:  
33       “(a) The student’s right to have meaningful access to the same number of hours of in-  
34 struction and educational services as the majority of other students who are in the same  
35 grade within the student’s resident school district;  
36       “(b) The prohibition on the school district to unilaterally place a student with a disability  
37 on an abbreviated school day program; and  
38       “(c) The parent’s or foster parent’s right, at any time, to withdraw consent for an ab-  
39 breviated school day program placement or to request a meeting of the student’s individ-  
40 ualized education program team to discuss whether the student should no longer be placed  
41 on an abbreviated school day program.

42       “(3) The school district provides a written statement summarizing the documentation  
43 described in subsection (1)(c) and (d) of this section in a language and format accessible to  
44 the parent or foster parent.

45       “(4) The school district receives a signed acknowledgment from the parent or foster

1 parent acknowledging receipt of the written statement described in subsection (2) of this  
2 section.

3 “(5) The parent or foster parent provides informed and written consent for the abbrevi-  
4 ated school day program placement.

5 “SECTION 4. (1) When a student with a disability is placed on an abbreviated school day  
6 program, the provisions of this section apply.

7 “(2) For each student with a disability placed on an abbreviated school day program, the  
8 school district shall:

9 “(a) At least once every 30 calendar days during the school year:

10 “(A) Provide the following information in writing to the parent or foster parent of the  
11 student in a language and format accessible to the parent or foster parent:

12 “(i) The school district’s duty to comply with the requirements of sections 1 to 6 of this  
13 2023 Act;

14 “(ii) The prohibition against a school district unilaterally placing a student with a disa-  
15 bility on an abbreviated school day program;

16 “(iii) The student’s right to have meaningful access to the same number of hours of in-  
17 struction and educational services as the majority of other students who are in the same  
18 grade within the student’s resident school district; and

19 “(iv) The parent’s or foster parent’s right, at any time, to withdraw consent for an ab-  
20 breviated school day program placement or to request a meeting of the student’s individ-  
21 ualized education program team to discuss whether the student should no longer be placed  
22 on an abbreviated school day program.

23 “(B) Obtain from the parent or foster parent a signed acknowledgment that the parent  
24 or foster parent received the information described in subparagraph (A) of this paragraph  
25 and does not choose to withdraw consent for an abbreviated school day program placement.

26 “(b) Hold a meeting of the student’s individualized education program team to review the  
27 student’s abbreviated school day program and discuss whether to continue the abbreviated  
28 school day program placement. During the school year, a meeting must be held:

29 “(A) No fewer than 25 calendar days and no more than 35 calendar days after the initial  
30 placement on the abbreviated school day program.

31 “(B) No less frequently than once every 30 calendar days, starting after the meeting de-  
32 scribed in subparagraph (A) of this paragraph, unless the parent or foster parent provides  
33 written consent to meet less frequently than once every 30 calendar days. Notwithstanding  
34 written consent provided under this subparagraph:

35 “(i) In no event may a meeting be held less frequently than:

36 “(I) Once every 90 calendar days for a student with an individualized education program,  
37 starting after the meeting described in subparagraph (A) of this paragraph;

38 “(II) Once every year for a student with a 504 Plan, starting after the meeting described  
39 in subparagraph (A) of this paragraph;

40 “(III) Once every year for a student who is enrolled in a virtual public charter school  
41 that operates in compliance with ORS chapter 338 and who has meaningful access to the  
42 same number of hours of instruction and educational services as the majority of other stu-  
43 dents who are not disabled students and who are in the same grade within the school,  
44 starting after the meeting described in subparagraph (A) of this paragraph; or

45 “(IV) Once every year for a student receiving educational services in a pediatric nursing

1 facility as provided in ORS 343.941, starting after the meeting described in subparagraph (A)  
2 of this paragraph; and

3 “(ii) A meeting must be held within 14 calendar days of a parent or foster parent re-  
4 questing a meeting.

5 “(c) If the parent or foster parent provides a signed acknowledgment under paragraph  
6 (a)(B) of this subsection and the abbreviated school day program placement continues, in-  
7 clude in the student’s individualized education program or 504 Plan a written statement that:

8 “(A) Explains the reasons the student was placed on the abbreviated school day program;  
9 and

10 “(B) Describes in detail other reasonable options that were considered and documents  
11 why each option considered was not implemented.

12 “(d) Inform the Department of Education about the student’s abbreviated school day  
13 program placement, including:

14 “(A) The grade level of the student;

15 “(B) The number of hours of instruction and educational services the school district is  
16 scheduled to provide to the student each week;

17 “(C) The date the student began the abbreviated school day program; and

18 “(D) The date by which the student is expected to receive meaningful access to the same  
19 number of hours of instruction and educational services that are provided to the majority  
20 of other students who are in the same grade within the student’s resident school district.

21 “(3)(a) The school district superintendent must review a student’s abbreviated school day  
22 program placement if the student is placed on an abbreviated school day program for:

23 “(A) Ninety or more cumulative calendar days during a school year; or

24 “(B) Ninety or more cumulative calendar days, excluding summer break, when the stu-  
25 dent is placed on an abbreviated school day program during two or more consecutive school  
26 years.

27 “(b) The school district superintendent must review the student’s abbreviated school day  
28 program placement when required under paragraph (a) of this subsection and:

29 “(A) Find that the abbreviated school day program placement is compliant with state and  
30 federal law and document in writing:

31 “(i) The efforts of the school district to facilitate the student’s meaningful access to the  
32 same number of hours of instruction and educational services that are provided to the ma-  
33 jority of other students who are in the same grade within the student’s resident school dis-  
34 trict; and

35 “(ii) The specific barriers that prevent that meaningful access; or

36 “(B) Find that the abbreviated school day program placement is not compliant with state  
37 and federal law and ensure that, within five school days of making the finding, the student  
38 has meaningful access to the same number of hours of instruction and educational services  
39 that are provided to the majority of other students who are in the same grade within the  
40 student’s resident school district unless an extension has been allowed as provided by section  
41 5 (1)(d) of this 2023 Act.

42 “(c) In addition to a finding made under paragraph (b) of this subsection, for any student  
43 in grades 9 through 12 not expected to graduate on time with a high school diploma, a mod-  
44 ified diploma or an extended diploma, the school district superintendent must document in  
45 writing:



1       “(A) The plan for credit recovery and comprehensive services, including compensatory  
2 services, that is being implemented to ensure the student’s on-time graduation with a high  
3 school diploma, a modified diploma or an extended diploma; and

4       “(B) The student’s progress toward on-time graduation with a high school diploma, a  
5 modified diploma or an extended diploma.

6       “(d) If the student is served by an education program through an education service dis-  
7 trict, the requirements of paragraphs (a) to (c) of this subsection apply to the superintendent  
8 of the resident school district.

9       “(e) Any findings or documentation required under paragraphs (b) and (c) of this sub-  
10 section must be provided, within five school days of making the finding, to the student’s  
11 parent or foster parent in a language and format accessible to the parent or foster parent.

12       “SECTION 4a. Section 4 of this 2023 Act becomes operative July 1, 2023.

13       “SECTION 5. (1)(a) A parent or a foster parent may, at any time, revoke consent for the  
14 placement of a student with a disability on an abbreviated school day program.

15       “(b) Consent for the abbreviated school day program placement shall be considered re-  
16 voked if, at any time, the parent or the foster parent revokes the consent, in writing, to an  
17 abbreviated school day program placement or makes a written objection to the abbreviated  
18 school day program placement.

19       “(c) Upon receipt of a written revocation or objection to the abbreviated school day pro-  
20 gram placement, the school district superintendent shall ensure that, within five school days,  
21 the student has meaningful access to the same number of hours of instruction and educa-  
22 tional services that are provided to the majority of other students who are in the same grade  
23 within the student’s resident school district.

24       “(d) Notwithstanding paragraph (c) of this subsection, a parent or foster parent of a  
25 student may allow the school district superintendent to have an extension of an additional  
26 five school days to ensure that the student has meaningful access to the same number of  
27 hours of instruction and educational services that are provided to the majority of other  
28 students who are in the same grade within the student’s resident school district if:

29       “(A) The parent or foster parent provides written consent for the extension;

30       “(B) The parent or foster parent has not previously provided written consent for an ex-  
31 tension for the student during the school year;

32       “(C) The written consent states that the parent or foster parent understands that the  
33 parent or foster parent is not required to give consent for the extension and that the refusal  
34 to give consent for the extension will not result in adverse actions being taken against the  
35 student; and

36       “(D) The school district provides to the parent or foster parent, in writing and in a lan-  
37 guage and format access to the parent or foster parent, the specific reasons why the exten-  
38 sion is needed.

39       “(e) If a school district fails to provide meaningful access before the expiration of an  
40 extension allowed under paragraph (d) of this subsection, any calculations of compensatory  
41 education that must be provided by the school district will be made as though an extension  
42 had not been allowed.

43       “(f) If a student is on an abbreviated school day program on the last day of the school  
44 year and the student’s parent or foster parent makes a written objection to the abbreviated  
45 school day program placement or revokes consent for the abbreviated school day program

1 placement at least 14 calendar days prior to the beginning of the next school year, the stu-  
2 dent shall, beginning on the first day of the new school year, be provided with meaningful  
3 access to the same number of hours of instruction and educational services that are provided  
4 to the majority of other students who are in the same grade within the student's resident  
5 school district.

6 “(2)(a) When the Department of Education receives a complaint or otherwise has cause  
7 to believe a school district is not in compliance with sections 2 (7) and 3 (5) of this 2023 Act,  
8 the department must initiate an investigation and inform the school district of any non-  
9 compliance within 30 calendar days of receiving the complaint or having cause to believe the  
10 school district is not in compliance.

11 “(b) If a complaint described in paragraph (a) of this subsection relates to a specific  
12 student and is submitted by the student's parent or foster parent, the Superintendent of  
13 Public Instruction shall:

14 “(A) Presume that consent for the abbreviated school day program placement has been  
15 revoked.

16 “(B) Immediately, and in no case no more than two business days after receipt of the  
17 complaint, order the school district to provide to the student, within five school days,  
18 meaningful access to the same number of hours of instruction and educational services that  
19 are provided to the majority of other students who are in the same grade within the  
20 student's resident school district. For the purpose of this subparagraph, ‘business day’ has  
21 the meaning given that term in ORS 192.311.

22 “(C) Find the school district is not in compliance with sections 2 (7) and 3 (5) of this 2023  
23 Act if the school district fails to comply with the order described in subparagraph (B) of this  
24 paragraph.

25 “(c) If the superintendent finds that a school district is not in compliance with sections  
26 2 (7) and 3 (5) of this 2023 Act, either after an investigation or as provided by paragraph (b)  
27 of this subsection, the superintendent shall:

28 “(A) Enter an order that any students named in the complaint or identified in the course  
29 of an investigation initiated under paragraph (a) of this subsection who are placed on an  
30 abbreviated school day program in violation of sections 2 (7) and 3 (5) of this 2023 Act be  
31 provided, within five school days of the final order, with meaningful access to the same  
32 number of hours of instruction and educational services that are provided to the majority  
33 of other students who are in the same grade within the student's resident school district.

34 “(B) If the school district fails to comply with the order described in subparagraph (A)  
35 of this paragraph within five school days, find the school district nonstandard under ORS  
36 327.103 or 334.217 until all students subject to the order and placed on an abbreviated school  
37 day program in violation of sections 2 (7) and 3 (5) of this 2023 Act are provided with mean-  
38 ingful access to the same number of hours of instruction and educational services that are  
39 provided to the majority of other students who are in the same grade within the student's  
40 resident school district.

41 “(C) If the school district fails to comply with the order described in subparagraph (A)  
42 of this paragraph within 10 school days and notwithstanding any timelines or process re-  
43 quirements of ORS 327.103 or 334.217, immediately withhold State School Fund moneys that  
44 otherwise would be distributed to the school district. Amounts withheld must be calculated  
45 based on the weighted average daily membership attributable to the students subject to the

1 order, as calculated under ORS 327.013, and the percentage of the school year that the stu-  
2 dents were placed on an abbreviated school day program in violation of sections 2 (7) and 3  
3 (5) of this 2023 Act.

4 “(D) Require the school district to provide compensatory education to the students sub-  
5 ject to the order that is equivalent to at least one hour of direct instruction for every two  
6 hours of instruction that were lost due to an abbreviated school day program placement in  
7 violation of sections 2 (7) and 3 (5) of this 2023 Act.

8 “(3) The failure of a school district superintendent to restore meaningful access to a  
9 student within the time required by section 4 (3)(b)(B) of this 2023 Act or subsection (1)(c)  
10 or (d) of this section or to comply with an order issued under subsection (2)(c) of this section  
11 to restore meaningful access to all students subject to the order may be grounds for disci-  
12 pline by the Teacher Standards and Practices Commission under ORS 342.175. If the com-  
13 mission receives a complaint concerning a failure described in this subsection, the  
14 commission shall take into consideration the responsive efforts and actions of the super-  
15 intendent to restore meaningful access to the student or students.

16 “SECTION 6. Sections 2, 3, 4 and 5 of this 2023 Act do not apply to any of the following:

17 “(1) Any abbreviated school days that are a component of discipline imposed in compli-  
18 ance with ORS 339.250 or 339.252.

19 “(2) A student’s exclusion from schools due to the student’s immunization status or due  
20 to the student’s exposure to a restrictable disease, as provided by ORS 433.235 to 433.284.

21 “(3) The exclusion of a student from schools or the closure or restriction of access to  
22 schools due to actions taken under a public health emergency authorized under ORS 433.441  
23 to 433.452.

24 “(4) A student who has fulfilled all state requirements for graduation with a high school  
25 diploma, as described in ORS 329.451 (2), when the parent or foster parent has agreed to the  
26 abbreviated school day program.

27 “(5) A student enrolled in a program described in ORS 336.585, 336.590, 339.129, 343.261,  
28 343.961 (1)(c)(A)(i) or 346.010, if the student has meaningful access to the same number of  
29 hours of instruction and educational services as the majority of other students enrolled in  
30 the same program as the student.

31 “(6) A student whose parent or foster parent has notified an education service district  
32 that the student is being taught by a parent, legal guardian or private teacher under ORS  
33 339.035.

34 “(7) A student who is excluded from, or limited access to, school due to a court order.

35 “(8) A high school student who is voluntarily enrolled in an alternative education pro-  
36 gram in compliance with ORS 336.635, the Expanded Options Program under ORS 340.005 to  
37 340.090 or an accelerated college credit program as defined in ORS 340.300, when:

38 “(a) The majority of the students of the program are not students with disabilities;

39 “(b) The student is not restricted to attending fewer hours of instruction and educational  
40 services than the number of hours of instruction and educational services attended by the  
41 majority of students without disabilities who are in the same grade and who attend the same  
42 program; and

43 “(c) For an alternative education program in which the student is enrolled under ORS  
44 336.635, the school district informs the parent or foster parent, in writing and in a language  
45 and format accessible to the parent or foster parent, that upon written request of the parent

1 or foster parent, the student will be immediately restored to a school that allows the student  
2 to access the same number of hours of instruction and educational services that are provided  
3 to the majority of other students who are in the same grade within the student’s resident  
4 school district.

5 “**SECTION 7.** Nothing in sections 1 to 6 of this 2023 Act is intended to limit or operate  
6 as a prerequisite to pursuing any rights or remedies provided under other state or federal  
7 statutes or common law.

8 “**SECTION 8.** ORS 343.161 is repealed.

9 “**SECTION 8a.** Notwithstanding section 8, chapter \_\_\_, Oregon Laws 2023 (Enrolled Senate  
10 Bill 992) (amending ORS 343.161), if Senate Bill 992 becomes law, ORS 343.161 is repealed by  
11 section 8 of this 2023 Act.

12 “**SECTION 9.** (1) Sections 1 to 3 of this 2023 Act apply to a student with a disability who  
13 is placed on an abbreviated school day program on or after the effective date of this 2023  
14 Act.

15 “(2) Nothing in this section prevents a parent or foster parent from revoking consent for  
16 or making a written objection to an abbreviated school day program placement, or the De-  
17 partment of Education or the Superintendent of Public Instruction from taking any action  
18 related to the placement of a student with a disability on an abbreviated school day program,  
19 if the abbreviated school day program placement occurred before the effective date of this  
20 2023 Act and the abbreviated school day program placement is ongoing on the effective date  
21 of this 2023 Act.

22 “**SECTION 10.** Section 11 is added to and made a part of sections 1 to 6 of this 2023 Act.

23 “**SECTION 11.** (1) No later than 14 calendar days after the effective date of this 2023 Act,  
24 each school district shall provide the notice described in subsection (2) of this section to the  
25 parents or foster parents of every student with a disability who:

26 “(a) Was on an abbreviated school day program at the end of the 2022-2023 school year;  
27 or

28 “(b) Had an abbreviated school day for 30 or more school days during the 2022-2023 school  
29 year.

30 “(2) The notice required under this section must be in a language and format accessible  
31 to the parent or foster parent and must inform parents and foster parents of:

32 “(a) The enactment of this 2023 Act;

33 “(b) The notice and disclosure requirements of section 4 (2)(a) of this 2023 Act;

34 “(c) The parent’s or foster parent’s right to revoke, in writing, consent for an abbrevi-  
35 ated school day program placement or to make a written objection to a student’s abbreviated  
36 school day program placement;

37 “(d) The name, electronic mail address, mailing address and other contact information  
38 of the person to whom a revocation or objection described in paragraph (c) of this subsection  
39 may be sent;

40 “(e) The obligation of the school district, within five school days of receiving a revocation  
41 or objection described in paragraph (c) of this subsection, to provide a student with a disa-  
42 bility with meaningful access to the same number of hours of instruction and educational  
43 services that are provided to the majority of other students who are in the same grade  
44 within the student’s resident school district;

45 “(f) The student’s right to meaningful access to the same number of hours of instruction

1 and educational services that are provided to the majority of other students who are in the  
2 same grade within the student’s resident school district beginning on the first day of the  
3 2023-2024 school year if the parent or foster parent provides the revocation or objection de-  
4 scribed in paragraph (c) of this subsection at least 14 calendar days prior to the start of the  
5 2023-2024 school year, as identified by the school district; and

6 “(g) The contact information for:

7 “(A) The Department of Education;

8 “(B) The parent information and training center for families with children with disabili-  
9 ties, or FACT Oregon; and

10 “(C) The system designated to protect and advocate for the rights of individuals with  
11 disabilities, or Disability Rights Oregon.

12 “(3) Notwithstanding section 5 (1)(d) of this 2023 Act, an extension may not be allowed  
13 if a parent or foster parent revokes consent for an abbreviated school day program place-  
14 ment or makes a written objection to a student’s abbreviated school day program placement  
15 at least 14 calendar days prior to the start of the 2023-2024 school year as described in sub-  
16 section (2)(f) of this section.

17 “SECTION 12. This 2023 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
19 on its passage.”.

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