

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2275**

1 On page 1 of the printed bill, line 4, delete “340.065 and 340.075” and in-
2 sert “340.065, 340.075 and 343.161”.

3 After line 5, insert:
4

5 **“ABBREVIATED SCHOOL DAY PROGRAMS**

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

8 **“(1) ‘Abbreviated school day’ means any school day during which a**
9 **student with a disability receives instruction or educational services**
10 **for fewer hours than the majority of other students who are in the**
11 **same grade within the student’s resident school district.**

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

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

18 **“(b) That results in a student with a disability having an abbrevi-**
19 **ated school day for more than 10 school days per school year.**

20 **“(3)(a) ‘Educational services’ includes any social, learning,**
21 **enrichment, community or support opportunity or benefit that is of-**

1 **ferred to the majority of other students who are in the same grade**
2 **within the student’s resident school district and is offered during the**
3 **time the majority of schools, school programs and school facilities are**
4 **open and accessible to the majority of students during the school day,**
5 **including:**

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

7 **“(B) Recess;**

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

9 **“(D) Job shadows, internships and community service activities ar-**
10 **ranged by the school;**

11 **“(E) Optional school programs, including study periods and advisory**
12 **periods that are open to the majority of students in the school;**

13 **“(F) Lunch periods or other meal or snack periods provided to the**
14 **majority of students of the school;**

15 **“(G) Access to school resources, including school enrichment pro-**
16 **grams offered before or after school and dental, vision and other**
17 **health screenings available to the majority of students of the school;**
18 **and**

19 **“(H) Reasonable access to school facilities during noninstructional**
20 **time that is equal to the access available to the majority of students**
21 **who are in the same grade within the student’s resident school dis-**
22 **trict.**

23 **“(b) ‘Educational services’ does not include time being transported**
24 **to or from school or time traveling between a classroom and trans-**
25 **portation before or after the school day.**

26 **“(4) ‘504 Plan’ means an education plan developed for a student with**
27 **a disability in accordance with section 504 of the Rehabilitation Act**
28 **of 1973, 29 U.S.C. 794.**

29 **“(5) ‘Foster youth’ means a child or ward who is in the legal cus-**
30 **tody of the Department of Human Services as provided in ORS 418.015**

1 or 419B.337 and who has been placed in substitute care.

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

3 “(7) ‘Individualized education program team’ includes, when appli-
4 cable, a team that develops a 504 Plan.

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

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

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

13 “(c) The school district offered, and the individualized education
14 program team considered, at least one reasonable alternative place-
15 ment, as described in section 3 (1)(c) of this 2023 Act, prior to re-
16 questing that the parent or foster parent provide consent for
17 placement of the student on an abbreviated school day program;

18 “(d) The parent or foster parent was informed that the individual-
19 ized education program team will meet at least once every 30 calendar
20 days during the school year unless the parent or foster parent provides
21 signed acknowledgment as provided in section 4 (2)(c) of this 2023 Act
22 to schedule meetings less frequently, but that in no case may the in-
23 dividualized education program team meet less frequently than at
24 least once every 90 calendar days during the school year;

25 “(e) The parent or foster parent was informed that if, during the
26 school year, the individualized education program team is scheduled
27 to convene less frequently than once every 30 calendar days during the
28 abbreviated school day program, the school district must convene an
29 individualized education program team meeting within 14 calendar
30 days of receiving a written request from the parent or foster parent

1 for the meeting;

2 “(f) The parent or foster parent signed the consent form voluntar-
3 ily; and

4 “(g) The parent or foster parent was informed of the right to revoke
5 consent, in writing, at any time and is not required to request or at-
6 tend an individualized education program team meeting prior to re-
7 voking consent.

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

9 “(A) Engaged in regularly scheduled instruction, learning activities
10 or learning assessments that are designed to meet Common Curric-
11 ulum Goals or grade level academic content standards or engaged in
12 specially designed instruction that is individualized to support a stu-
13 dent to make meaningful progress in the general curriculum.

14 “(B) Working under the direction and supervision of a licensed or
15 registered teacher, a licensed career and technical education instruc-
16 tor, a licensed practitioner or an instructional assistant who is as-
17 signed instructionally related activities and is working under the
18 direct supervision of a licensed or registered teacher.

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

20 “(A) Passing between class, at recess, in nonacademic assemblies,
21 on nonacademic field trips, traveling to or from school, loading or
22 unloading from a school bus at the start or end of the student’s school
23 day, participation in optional programs or participation in study peri-
24 ods or advisory periods when attendance is not required and no in-
25 structional assistance is provided.

26 “(B) In an online learning program during which the student is
27 unable to access the materials or benefit from instruction because the
28 school district has not provided the student with the supports neces-
29 sary to access the materials or instruction, including the support of
30 an instructional assistant, nursing services, adapted materials or other

1 related services identified in the student’s individualized education
2 program or 504 Plan as being necessary for a free appropriate public
3 education.

4 “(10) ‘Meaningful access’ means access to full-time, quality, syn-
5 chronous instruction or educational services delivered by:

6 “(a) A qualified licensed teacher; or

7 “(b) Qualified classified staff who are under the direct supervision
8 of a qualified licensed teacher.

9 “(11) ‘Parent’ includes:

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

12 “(b) The student’s surrogate, if the student has a surrogate, as de-
13 fined in ORS 419A.004.

14 “(c) The student’s legal guardian.

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

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

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

19 “(a) Is eligible for special education and related services, as pro-
20 vided by ORS chapter 343;

21 “(b) Has a disability under section 504 of the Rehabilitation Act of
22 1973, 29 U.S.C. 794, and is eligible for a 504 Plan;

23 “(c) Has not been determined to be eligible for special education and
24 related services, as provided by ORS chapter 343, or to be eligible for
25 a 504 Plan, but for whom a request or referral for evaluation for el-
26 igibility determination has been made but not yet completed; or

27 “(d) Is no longer identified as being eligible for special education
28 and related services under ORS chapter 343, but who was eligible for
29 special education and related services at any time during the prior
30 school year.

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

4 “SECTION 2. (1) The Legislative Assembly finds that students with
5 disabilities have a right to meaningful access to the same number of
6 hours of instruction and educational services as the majority of stu-
7 dents without disabilities who are in the same grade within the
8 student’s resident school district.

9 “(2) Before considering or recommending a student with a disability
10 for an abbreviated school day program, a school district must docu-
11 ment reasonable efforts to provide meaningful access to the same
12 number of hours of instruction and educational services that are pro-
13 vided to the majority of other students who are in the same grade
14 within the student’s resident school district.

15 “(3) A school district may not consider, recommend or implement
16 an abbreviated school day program due to the school district, or a
17 contractor with the school district, having inadequate staffing avail-
18 able for instruction or educational services.

19 “(4) For the purpose of determining if an abbreviated school day
20 program has been implemented, or of determining if a student with a
21 disability has received an abbreviated school day for more than 10
22 school days, the following are considered examples of an abbreviated
23 school day:

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

29 “(A) Lack of school district personnel, including instructional as-
30 sistants, nursing staff and transportation providers;

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

2 **“(C) Behaviors related to the student’s disability, unless the sched-**
3 **ule is provided pursuant to ORS 339.250 or 339.252.**

4 **“(b) The school district releasing the student early from school or**
5 **requesting or requiring the student not to come to school due to any**
6 **illness that would not typically have the same effect for the majority**
7 **of other students who are in the same grade within the student’s res-**
8 **ident school district.**

9 **“(c) The school district requesting the student to not attend, pro-**
10 **hibiting the student from attending or otherwise making attendance**
11 **inaccessible for a planned activity, including a field trip, a special**
12 **event or an outdoor school program.**

13 **“(d) The school district imposing temporary lack of access to edu-**
14 **cation facilities due to construction, special events or weather when**
15 **that lack of access does not apply to the majority of other students**
16 **who are in the same grade within the student’s resident school dis-**
17 **trict.**

18 **“(e) The school district providing transportation that arrives at the**
19 **student’s school after the start of the school day or leaves from the**
20 **student’s school before the end of the school day and that causes the**
21 **student to receive fewer hours of instruction or educational services**
22 **than the number of hours provided to the majority of other students**
23 **who are in the same grade within the student’s resident school dis-**
24 **trict.**

25 **“(f) The school district failing to provide transportation identified**
26 **in the student’s individualized education program or 504 Plan.**

27 **“(g) The student being placed in a program or school that offers all**
28 **students attending the program or school fewer hours of instruction**
29 **or educational services than are provided to the majority of other**
30 **students who are in the same grade within the student’s resident**

1 school district and the student not being provided with an additional
2 placement that ensures that the student has access to the same
3 number of hours of instruction and educational services that are pro-
4 vided to the majority of other students who are in the same grade
5 within the student’s resident school district.

6 “(5)(a) A school district may not establish a program or school for
7 students with disabilities that results in the placement of all of the
8 students within the school or program on an abbreviated school day
9 program.

10 “(b) For the purpose of determining if an abbreviated school day
11 program has been implemented for a student who is enrolled in a
12 program or school serving students from multiple school districts that,
13 when comparing one school district to another, do not offer the same
14 number of hours of instruction or educational services, the following
15 shall apply:

16 “(A) Hours shall be calculated on the basis of total number of hours
17 of instruction or educational services provided over an ordinary full
18 school week at the program or school as compared to each resident
19 school district; and

20 “(B) The program or school shall either:

21 “(i) Provide all students in the program or school with the greatest
22 number of hours of instruction and educational services that is pro-
23 vided by a resident school district of the students placed in the pro-
24 gram or school, as compared to the majority of other students who
25 are in the same grade within the student’s resident school district; or

26 “(ii) Provide additional hours of instruction and educational ser-
27 vices to students placed in the program or school whose resident
28 school district provides a greater number of hours of instruction and
29 educational services to the majority of other students who are in the
30 same grade within the students’ resident school district, as compared

1 to the number of hours of instruction and educational services pro-
2 vided by the school or program.

3 “(6) A school district may not unilaterally place a student with a
4 disability on an abbreviated school day program, regardless of the age
5 of the student.

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

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

10 “(a) Recommends that the student should be placed on an abbrevi-
11 ated school day program:

12 “(A) Based on the student’s individual needs, which may not in-
13 clude consideration of a lack of school district resources, including:

14 “(i) Licensed or classified staff;

15 “(ii) Availability of training;

16 “(iii) Accessible facilities; and

17 “(iv) Related services, including nursing services and transportation
18 services; and

19 “(B) After the opportunity for the student’s parent or foster parent
20 to meaningfully participate in a meeting of the individualized educa-
21 tion program team to discuss the placement, including the reasonable
22 opportunity to physically attend the meeting of the individualized ed-
23 ucation program team at which the abbreviated school day program
24 is discussed.

25 “(b) Determines the number of hours of instruction and educational
26 services to be offered to the student based on the student’s individual
27 needs, including any considerations related to discipline under ORS
28 339.250 or 339.252.

29 “(c) Documents that the school district offered at least one rea-
30 sonable alternative placement that included appropriate supports for

1 the student and that could enable the student to have meaningful ac-
2 cess to the same number of hours of instruction and educational ser-
3 vices that are provided to the majority of other students who are in
4 the same grade within the student’s resident school district.

5 “(d) Documents the specific provisions of the abbreviated school day
6 program, including:

7 “(A) How the abbreviated school day program will be designed to:

8 “(i) Support the student’s return to a school day program that is
9 not an abbreviated school day program; and

10 “(ii) Make progress toward the student’s individualized learning
11 goals and progress in the general curriculum;

12 “(B) How the student’s progress toward the student’s individualized
13 learning goals and progress in the general curriculum will be meas-
14 ured; and

15 “(C) The date by which the student is expected to return to a school
16 day program that is not an abbreviated school day program.

17 “(2) Prior to the discussion of placement, the school district pro-
18 vides a written statement to the student’s parent or foster parent in-
19 forming the parent or foster parent of:

20 “(a) The student’s right to have meaningful access to the same
21 number of hours of instruction and educational services as the ma-
22 jority of other students who are in the same grade within the student’s
23 resident school district;

24 “(b) The prohibition on the school district to unilaterally place a
25 student with a disability on an abbreviated school day program; and

26 “(c) The parent’s or foster parent’s right, at any time, to withdraw
27 consent or to request a meeting of the student’s individualized educa-
28 tion program team to discuss whether the student should no longer
29 be placed on an abbreviated school day program.

30 “(3) The school district provides a written statement summarizing

1 the documentation described in subsection (1)(c) and (d) of this section
2 in a language and format accessible to the parent or foster parent.

3 “(4) The school district receives a signed acknowledgment from the
4 parent or foster parent acknowledging receipt of the written statement
5 described in subsection (2) of this section.

6 “(5) The parent or foster parent provides informed and written
7 consent for the placement.

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

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

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

13 “(A) Provide the following information in writing to the parent or
14 foster parent of the student:

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

17 “(ii) The prohibition against a school district unilaterally placing a
18 student with a disability on an abbreviated school day program;

19 “(iii) The student’s right to have meaningful access to the same
20 number of hours of instruction and educational services as the ma-
21 jority of other students who are in the same grade within the student’s
22 resident school district; and

23 “(iv) The parent’s or foster parent’s right, at any time, to withdraw
24 consent or to request a meeting of the student’s individualized educa-
25 tion program team to discuss whether the student should no longer
26 be placed on an abbreviated school day program.

27 “(B) Obtain from the parent or foster parent a signed acknowledg-
28 ment that the parent or foster parent received the information de-
29 scribed in subparagraph (A) of this paragraph and does not choose to
30 withdraw consent.

1 **“(b) Hold a meeting of the student’s individualized education pro-**
2 **gram team to review the student’s abbreviated school day program and**
3 **discuss whether to continue placement on the abbreviated school day**
4 **program. During the school year, a meeting must be held:**

5 **“(A) No fewer than 25 calendar days and no more than 35 calendar**
6 **days after the initial placement in the abbreviated school day program.**

7 **“(B) No less frequently than once every 30 calendar days, starting**
8 **after the meeting described in subparagraph (A) of this paragraph,**
9 **unless the parent or foster parent provides written consent to meet**
10 **less frequently than once every 30 calendar days. Notwithstanding**
11 **written consent provided under this subparagraph:**

12 **“(i) In no event may a meeting be held less frequently than once**
13 **every 90 calendar days, starting after the meeting described in sub-**
14 **paragraph (A) of this paragraph; and**

15 **“(ii) A meeting must be held within 14 calendar days of a parent**
16 **or foster parent requesting a meeting if the parent or foster parent**
17 **otherwise provided written consent.**

18 **“(c) If the parent or foster parent provides a signed acknowledg-**
19 **ment under paragraph (a)(B) of this subsection and the placement on**
20 **the abbreviated school day program continues, include in the student’s**
21 **individualized education program or 504 Plan a written statement that:**

22 **“(A) Explains the reasons the student was placed on the abbreviated**
23 **school day program; and**

24 **“(B) Describes in detail other reasonable options that were consid-**
25 **ered and documents why each option considered was not implemented.**

26 **“(d) Inform the Department of Education about the student’s**
27 **placement on an abbreviated school day program, including:**

28 **“(A) The grade level of the student;**

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

1 **“(C) The date the student began the abbreviated school day program**
2 **and the start and end dates of any prior formal or informal placements**
3 **of the student on an abbreviated school day program; and**

4 **“(D) The date by which the student is expected to receive mean-**
5 **ingful access to the same number of hours of instruction and educa-**
6 **tional services that are provided to the majority of other students who**
7 **are in the same grade within the student’s resident school district.**

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

11 **“(A) Ninety or more cumulative calendar days during a school year;**
12 **or**

13 **“(B) Ninety or more cumulative calendar days, excluding summer**
14 **break, when the student is placed on an abbreviated school day pro-**
15 **gram during two or more consecutive school years.**

16 **“(b) The school district superintendent must review a placement**
17 **when required under paragraph (a) of this subsection and:**

18 **“(A) Find that the placement is compliant with state and federal**
19 **law and document in writing:**

20 **“(i) The efforts of the school district to facilitate the student’s**
21 **meaningful access to the same number of hours of instruction and**
22 **educational services that are provided to the majority of other stu-**
23 **dents who are in the same grade within the student’s resident school**
24 **district; and**

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

26 **“(B) Find that the placement is not compliant with state and fed-**
27 **eral law and ensure that, within five school days of making the find-**
28 **ing, the student has meaningful access to the same number of hours**
29 **of instruction and educational services that are provided to the ma-**
30 **ajority of other students who are in the same grade within the student’s**

1 resident school district.

2 “(c) In addition to a finding made under paragraph (b) of this sub-
3 section, for any student in grades 9 through 12 not expected to grad-
4 uate on time with a high school diploma, a modified diploma or an
5 extended diploma, the school district superintendent must document
6 in writing:

7 “(A) The plan for credit recovery and comprehensive services, in-
8 cluding compensatory services, that is being implemented to ensure
9 the student’s on-time graduation with a high school diploma, a modi-
10 fied diploma or an extended diploma; and

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

13 “(d) If the student is served by an education program through an
14 education service district, the requirements of paragraphs (a) to (c)
15 of this subsection apply to the superintendent of the resident school
16 district.

17 “(e) Any findings or documentation required under paragraphs (b)
18 and (c) of this subsection must be provided, within five school days
19 of making the finding, to the student’s parent or foster parent.

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

23 “(b) Consent for the placement on an abbreviated school day pro-
24 gram shall be considered revoked if, at any time, the parent or the
25 foster parent revokes the consent in writing or makes a written ob-
26 jection to the placement.

27 “(c) Upon receipt of a written revocation or objection, the school
28 district superintendent shall ensure that, within five school days, the
29 student has meaningful access to the same number of hours of in-
30 struction and educational services that are provided to the majority

1 of other students who are in the same grade within the student’s res-
2 ident school district.

3 “(d) If a student is on an abbreviated school day program on the
4 last day of the school year and the student’s parent or foster parent
5 makes a written objection to the placement or revokes consent for the
6 placement at least 10 calendar days prior to the beginning of the next
7 school year, the student shall, beginning on the first day of the new
8 school year, be provided with meaningful access to the same number
9 of hours of instruction and educational services that are provided to
10 the majority of other students who are in the same grade within the
11 student’s resident school district.

12 “(2)(a) When the Department of Education receives a complaint or
13 otherwise has cause to believe a school district is not in compliance
14 with sections 2 (6) and 3 (5) of this 2023 Act, the department must in-
15 itiate an investigation and inform the school district of any noncom-
16 pliance within 30 calendar days of receiving the complaint or having
17 cause to believe the school district is not in compliance.

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

21 “(A) Presume that consent has been revoked.

22 “(B) Immediately, and in no case no more than two business days
23 after receipt of the complaint, order the school district to provide to
24 the student, within five school days, meaningful access to the same
25 number of hours of instruction or educational services that are pro-
26 vided to the majority of other students who are in the same grade
27 within the student’s resident school district. For the purpose of this
28 subparagraph, ‘business day’ has the meaning given that term in ORS
29 192.311.

30 “(C) Find the school district is not in compliance with sections 2 (6)

1 and 3 (5) of this 2023 Act if the school district fails to comply with the
2 order described in subparagraph (B) of this paragraph.

3 “(c) If the superintendent finds that a school district is not in
4 compliance with sections 2 (6) and 3 (5) of this 2023 Act, either after
5 an investigation or as provided by paragraph (b) of this subsection, the
6 superintendent shall:

7 “(A) Enter an order that any students named in the complaint or
8 identified in the course of an investigation initiated under paragraph
9 (a) of this subsection who are placed on an abbreviated school day
10 program in violation of sections 2 (6) and 3 (5) of this 2023 Act be
11 provided, within five school days of the final order, with meaningful
12 access to the same number of hours of instruction and educational
13 services that are provided to the majority of other students who are
14 in the same grade within the student’s resident school district.

15 “(B) If the school district fails to comply with the order described
16 in subparagraph (A) of this paragraph within five school days, find the
17 school district nonstandard under ORS 327.103 or 334.217 until all stu-
18 dents subject to the order and placed on an abbreviated school day
19 program in violation of sections 2 (6) and 3 (5) of this 2023 Act are
20 provided with meaningful access to the same number of hours of in-
21 struction and educational services that are provided to the majority
22 of other students who are in the same grade within the student’s res-
23 ident school district.

24 “(C) If the school district fails to comply with the order within 10
25 school days and notwithstanding any timelines or process require-
26 ments of ORS 327.103 or 334.217, immediately withhold State School
27 Fund moneys that otherwise would be distributed to the school dis-
28 trict. Amounts withheld must be calculated based on the weighted
29 average daily membership attributable to the student, as calculated
30 under ORS 327.013, and the percentage of the school year that the

1 student was placed on an abbreviated school day program in violation
2 of sections 2 (6) and 3 (5) of this 2023 Act.

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

8 “(3) The failure of a school district superintendent to restore
9 meaningful access to a student within five school days as required by
10 section 4 (3)(b)(B) of this 2023 Act or subsection (1)(c) of this section
11 or to comply with an order issued under subsection (2)(c) of this sec-
12 tion to restore meaningful access to all students subject to the order
13 may be grounds for discipline by the Teacher Standards and Practices
14 Commission under ORS 342.175.

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

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

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

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

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

29 “(5) A student enrolled in a program described in ORS 339.129,
30 343.261, 343.961 (1)(c) or 346.010, if the student has access to the same

1 number of hours of instruction and educational services as the ma-
2 jority of other students enrolled in the same program as the student.

3 “(6) A student whose parent or foster parent has notified an edu-
4 cation service district that the student is being taught by a parent,
5 legal guardian or private teacher under ORS 339.035.

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

8 “(8) A high school student who is voluntarily enrolled in an alter-
9 native education program in compliance with ORS 336.635 when:

10 “(a) The majority of the students of the alternative education pro-
11 gram are not students with disabilities;

12 “(b) The student is not restricted to attending fewer hours of in-
13 struction and educational services than the number of hours of in-
14 struction and educational services attended by the majority of
15 students without disabilities who are in the same grade and who at-
16 tend the same alternative education program; and

17 “(c) The school district informs the parent or foster parent, in
18 writing, that upon written request of the parent or foster parent, the
19 student will be immediately restored to a school that allows the stu-
20 dent to access the same number of hours of instruction and educa-
21 tional services that are provided to the majority of other students who
22 are in the same grade within the student’s resident school district.

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

26 “SECTION 8. ORS 343.161 is repealed.

27 “SECTION 9. (1) Sections 1 to 3 of this 2023 Act apply to a student
28 with a disability who is placed on an abbreviated school day program
29 on or after the effective date of this 2023 Act except that section 2 (5)
30 of this 2023 Act first applies to programs or schools on or after July

1 **1, 2023.**

2 **“(2) Notwithstanding section 5 (3) of this 2023 Act, during the**
3 **2022-2023 school year only, if a student with a disability was placed on**
4 **an abbreviated school day program prior to February 1, 2023, the**
5 **Teacher Standards and Practices Commission may not take discipli-**
6 **nary action in relation to a school district superintendent unless the**
7 **superintendent failed to:**

8 **“(a) Restore meaningful access to the student within 10 school days**
9 **under section 4 (3)(b)(B) of this 2023 Act or section 5 (1)(c) of this 2023**
10 **Act; or**

11 **“(b) Comply, within 10 school days, with an order issued under**
12 **section 5 (2)(c) of this 2023 Act to restore meaningful access to all**
13 **students subject to the order.**

14 **“(3) Nothing in this section prevents a parent or foster parent from**
15 **revoking consent, or the Department of Education or the Superinten-**
16 **dent of Public Instruction from taking any action related to the**
17 **placement of a student with a disability on an abbreviated school day**
18 **program, if the placement occurred before the effective date of this**
19 **2023 Act and the placement is ongoing on the effective date of this 2023**
20 **Act.**

21 **“SECTION 10. Section 4 of this 2023 Act becomes operative July 1,**
22 **2023.”.**

23 In line 9, delete “1” and insert “11”.

24 On page 4, line 1, delete “2” and insert “12”.

25 In line 35, delete “3” and insert “13” and delete “2” and insert “12”.

26 In line 40, delete “4” and insert “14”.

27 On page 6, line 6, delete “5” and insert “15”.

28 On page 7, line 20, delete “6” and insert “16”.

29 On page 8, line 6, delete “7” and insert “17”.

30 In line 44, delete “8” and insert “18”.

- 1 On page 9, line 17, delete “9” and insert “19”.
- 2 In line 42, delete “10” and insert “20”.
- 3 On page 10, line 1, delete “11” and insert “21”.
- 4 In line 17, delete “12” and insert “22”.
- 5 On page 12, line 20, delete “13” and insert “23”.
- 6 In line 23, delete “14” and insert “24”.
- 7 _____