



May 8, 2023

TO: House Committee on Education
FR: Morgan Allen, COSA
RE: SB 819A and the -13 amendments

Chair Neron and Member of the House Education Committee,

Thank you for the opportunity to provide feedback on SB 819A and the proposed -13 amendments. After careful consideration of all of the information shared during the House workgroup process and review of proposed -13 amendments, we still have concerns about implementation of the bill that merit your strongest consideration.

COSA wants to make it clear that no student should be unilaterally placed on an abbreviated school day. But under current state and federal law, an IEP team may place a student on an abbreviated day program. While a parent or guardian must be part of the IEP process, their consent to an abbreviated day program is not ultimately required. Senate Bill 819A and the -13 amendments change the relationship between the IEP team and parent or guardian by requiring informed consent before a student can be placed on an abbreviated day and allowing a parent to revoke that consent for the placement at any time. While this is a significant change, we want to make clear that we do not oppose this core tenet of SB 819A.

During the House workgroup process, we have become aware of additional implementation requirements that we believe have the potential to disrupt programs that are working well for students and capture students that may not be intended to be impacted by SB 819. One example of this is the comparison of instructional hours and educational services between the majority of students in a district and students attending schools or programs with a schedule that is not the same, but under current law would not be considered an abbreviated day program.

Under current laws and rules, a school or program is not defined by a comparison of “bell to bell” schedules in the district. A school district or charter school must adhere to the current state requirements for providing the minimum number of required hours of instruction to students. Each district can implement that in a way that works for their community; that is why we have many districts on four day school weeks or different “bell to bell” schedules. SB 819A, -13 compares the total time in a school day “bell to bell” and the definition could impact many schools, programs, and course offerings that meet the current legal standard of meeting instructional hour requirements, but would now be considered abbreviated day programs under the bill.

We have shared a list of suggestions and recommendations to improve the bill and ensure smooth implementation. We appreciate that some have been included as part of the -13 amendment. There are several other changes we strongly urge the committee to add to the bill in order to avoid unnecessary disruptions, including:

SB 819, -13 amendment issue	Proposed Policy Solution
<p>1. Synchronous instruction requirement in the -13: Page 4, lines 29-30 defines “meaningful access” to include synchronous instruction. We believe that many online classes or programs or virtual charter schools may be set up in an asynchronous fashion, ie. the lessons or classes may be able to be completed independently according to the student’s own self-paced schedule or within a broad window of time.</p>	<ul style="list-style-type: none"> • Include language in SB 819 that would allow asynchronous instruction under the supervision of a licensed teacher, college instructor, or qualified classified staff to be considered “meaningful access” for online programs or virtual charter schools or students accessing instruction due to health issues. Without this change, any program with an asynchronous component would be considered an abbreviated day if a student with a disability enrolls.
<p>2. The -13 amendment requires an IEP team meeting every 30 days when a student is placed on an abbreviated day and allows for a parent or guardian to consent to a longer timeframe of 90 days.</p>	<ul style="list-style-type: none"> • Allow the parent or guardian to opt out of recurring IEP meetings once informed consent has been given and reserve the right of the parent or guardian to call for an IEP meeting at any time that must be convened within 14 school days.
<p>3. The -13 amendment requires a student to be returned to a full school day when consent for an abbreviated day program is revoked within 5 school days.</p>	<ul style="list-style-type: none"> • Include a provision that would allow a school district to ask for a 5 day extension to return the student if the district notifies ODE, demonstrates intent to be in compliance, and receives parent or guardian consent. This is especially important considering the potential safety of the student, other students, and staff and potential for serious TSPC discipline against a superintendent for missing the 5 day deadline.
<p>4. The -13 amendment would still define any charter school, virtual charter school, school of choice (such as a magnet school, language immersion program, etc.) that offers a shorter “bell to bell” schedule than neighborhood schools as an abbreviated school day program.</p>	<ul style="list-style-type: none"> • Include a provision that explicitly exempts “schools of choice” where enrollment by a student with a disability is voluntary and not an IEP or 504 plan placement from the definition of abbreviated school day programs.
<p>5. The -13 includes exemptions from the definition of “abbreviated day” for some, but not all opportunities for students generally available in high school.</p>	<ul style="list-style-type: none"> • Include a comprehensive list of exemptions for programs that include credit by proficiency, internships, CTE and work based learning experiences, etc. when the enrollment by a student with a disability is voluntary and not an IEP or 504 plan placement from the definition of abbreviated school day programs.

There is still time to make additional improvements to the bill this Session and we urge you to consider making these changes to avoid impacting educational opportunities that are working for students and families across Oregon.