

SB 1558 STAFF MEASURE SUMMARY

Senate Committee On Education

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Meeting Dates: 2/13, 2/15

WHAT THE MEASURE DOES:

The measure adds exceptions to the state's shortened school day law. The measure declares an emergency and is effective on passage.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

Detailed Summary

Adds exception to ORS 343.331 for a student who does not schedule a class for one or more class periods if the student is in grade 11 or 12 and is on track to fulfill all state requirements for graduation within four years of starting grade 9 or if the student is on track to fulfill all requirements by the end of the school year.

Adds exception for asynchronous instruction for one class per term if the class satisfies a credit requirement for a high school diploma, is a credit recovery class, is a class not otherwise available to the student, is offered on a voluntary basis and not restricted to students with disabilities, and is accessible while the student is in school and while staff are immediately available to the student.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In January, 2019, advocates for students with disabilities filed a class-action lawsuit in federal court, alleging that the State of Oregon had failed to ensure that students with disabilities had access to the educational opportunities guaranteed to them. At issue were instances of Oregon school districts placing students with disabilities onto shortened school days and the Oregon Department of Education's failure to take the steps necessary to ensure these students' rights to a free, appropriate public education were upheld. In June 2022, a court-ordered neutral fact-finder issued a report detailing their findings, including that there is no consistent use of signed parental permission, there are no mandated trainings provided by ODE, districts' record-keeping is often poor or neglected, the state has no effective or efficient way to gather data or monitor the use of shortened days, some districts withheld information, students are sometimes placed in permanent shortened-day programs, students are often required to "earn" a full school day, students often did not have any behavioral goals or a behavioral intervention plan, and in many cases, parental consent was not obtained.

The State Board enacted a General Supervision Rule in July 2022 (OAR 581-015-2015) that allows the department to monitor whether school districts are operating in compliance with legal and regulatory requirements. The rule is specific to programs for students with disabilities and allows the department to provide technical assistance, coaching, and professional development; to notify districts of any identified noncompliance within three months (or 30 days in certain cases); and to take any required corrective action. The rule requires districts to take specific actions and provides the department with the ability to withhold funds.

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Senate Bill 819 A, enacted in 2023, clarified existing provisions and enacted new requirements related to the placement of students with disabilities, or who may have disabilities, onto abbreviated school days. The bill required parental consent for such placements, with some exceptions.