

## **SB 821 STAFF MEASURE SUMMARY**

### **Senate Committee On Education**

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**Meeting Dates:** 2/7

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#### **WHAT THE MEASURE DOES:**

Requires school district superintendents to prepare annual report by September 1 of each year summarizing access to instruction in kindergarten through grade 12 for students with disabilities. Establishes report requirements. Requires that report disaggregate data. Requires report be made available to school district board, Department of Education, state protection and advocacy system, and the public. Requires ODE to make reports public on its website or indicate which districts did not submit report. Takes effect for the last term of the 2022-2023 school year.

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

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

#### **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 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, the 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 that 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 any required corrective action. The rule requires districts to take specific actions and provides the Department with the ability to withhold funds.

Senate Bill 819 clarifies existing provisions and enacts new requirements related to the placement of students onto abbreviated school days.