

## SB 819A with -A13 Amendments Brief

### **Problem**

Students with disabilities are entitled to a full day of school. This is established Federal and State law. Schools must offer at least one placement to a student that is full-day and meets their needs. Nevertheless, there are many students around Oregon who have been placed on abbreviated days despite parents asking for a full day. This might look like a student being allowed at their school only for short periods of time, or like a student being sent to a part-day program only. Even though this is against the law, there is currently no way to hold school districts accountable, because ODE has adopted the stance that they are not an enforcing agency.

Read [this article](#) from the Oregonian from July of last year.

### **House Education Workgroup Process**

After SB 819A passed the Senate and was sent to the House Education Committee, certain stakeholders expressed concerns that they felt weren't addressed in the Senate. Chair Neron created a workgroup with representatives from the Coalition of School Administrators, the Oregon School Boards Association, the Oregon Association of Education Service Districts, the Oregon Department of Education, the Oregon Education Association, the Oregon School Employees Association, Disability Rights Oregon, Legislative Counsel, the Legislative Policy and Research Office, and both committee vice chairs. We met twice as a large group, then convened a small group that met twice more, then met one final time as a large group. The group was not able to reach a consensus on an amendment, but everyone had a chance to raise and discuss concerns, suggest changes, and respond to suggestions. The -A13 amendment was drafted by Sen. Gelser Blouin (original chief sponsor), Chair Neron and Vice Chair Hudson.

### **Solution reflected in SB 819A with the -A13 amendment.**

- Clarify a district's obligation to give not just minimum instructional time, but a full school day.
- Clarify that students attending a part-day program still have right to supplemental education from home district.
- Require informed consent from parents to place students on an abbreviated day.
- Create a schedule of required check-in meetings for students on an abbreviated day.
- Add foster parent to educational decision makers.
- Track data on abbreviated school days.

- Require school districts to return a student to a full school day within five days of a parent revoking consent for an abbreviated day.
- Give TSPC authority to investigate complaints and hold superintendent accountable through licensing.
- Withhold state money from a district for each student on an abbreviated day without parent consent if the district has failed to comply with an order to return these students to a full school day
- Exempt certain programs: Students in alternative schools, accelerated programs, incarcerated youth, long-term care and treatment have the same rights as other students to a full school day. However, due to unique structure of these programs, placements in these programs are not subject to the requirements of SB 819 unless a student is restricted to fewer hours of education than other students in the program
- Do not exempt some programs: Students in charter schools and magnet schools, and in pediatric nursing care, still have the protections of SB 819. Online school may be considered an abbreviated day depending on the circumstances, and parents can consent to that if they choose, but still have the right to return to full-day, in-person learning.
- This measure also further clarifies that SB 819 does not apply to shortened school days that are the result of a suspension or expulsion, or placement in an interim alternate setting that is part of a disciplinary proceeding. Nothing in SB 819 restricts the use of suspension and expulsion, and nothing in SB 819 gives parents a right to consent or revoke consent to placements related to formal disciplinary action.

**Concerns and Responses**

<p>School districts are already having a tough time with the budget that the state has given them. This bill asks them to do more.</p>	<p>School districts are already required to provide the service levels detailed in the bill. These aren't new requirements. It's what they should have been using their State School Fund for already. Yes, they may have to change how they do things, but that's the point.</p>
<p>Some school districts don't have the resources to provide a safe environment for a student with behavior problems.</p>	<p>1. This measure does NOT impact suspension, expulsion and other forms of formal discipline. This is a tool that still can and should be used for issues related to safety.  2. Federal law and court decisions are clear that abbreviated school days programs cannot be use as a response to behavioral needs.</p>

	<p>3. This has always been a minimum requirement of schools. No one would accept this reasoning for not serving an ESL student</p> <p>4. We are working on a plan for greater behavioral support resources and training for schools and staff.</p>
Some parents and students like their abbreviated day placements.	Some do, but many are never given a choice, or don't even know they have a choice. SB 819 clarifies that role of parents in providing consent to reduce the amount of instruction and education services their children get, but it does not prohibit the use of abbreviated school day programs all together.
It's unfair for TSPC to investigate a superintendent who is trying hard and has good intentions.	<p>1. TSPC's findings are not predetermined; they will investigate fully. If TSPC finds that there was a violation, they also have a range of responses available– from no discipline, to a letter, to more formal sanctions.</p> <p>2. For an investigation to begin, a parent would have to make a complaint, so TSPC is not going to go looking for violations without good reason.</p>

**Important Concepts**

- An abbreviated day is not a solution to a behavior problem. It doesn't fix anything; it just ignores the problem.
- An IEP team, which includes the parent, is the ultimate decision-maker for a student's placement; however, they cannot make a placement that violates a student's rights. Every student has a right to a full day of school.
- This bill only gives parents the right to consent/revoke consent for a decision to reduce the amount of instruction and education service time made available to a student. It does not give them the right to consent/revoke consent to placement in general.
- This bill does not change anything about existing disciplinary procedures. The process for suspensions and expulsions, for students with or without disabilities, will stay the same.
- School districts do need more support for tough cases. We are working with ODE to create a budget note creating a statewide team of support professionals to help problem-solve tough cases.