



Representative Zach Hudson
900 Court St. NE
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Salem, OR 97301

May 9, 2023

TO: Coalition of Oregon School Administrators, % Morgan Allen
FR: State Rep. Zach Hudson, Vice Chair, House Committee on Education
RE: SB 819A and the -13 amendments

Mr. Allen,

Thank you for your letter of May 8, 2023, expressing your concerns with SB 819. I would like to respond to a point you made concerning IDEA.

Although the Individuals with Disabilities Education Act does set forth the manner in which special education is provided to students with disabilities, the right to a full day of education is not dependent on this Act. The Rehabilitation Act makes it clear that a public school has the obligation to serve students equally and may not impose a barrier to someone with a disability. An educational placement that restricts a student's access to less educational time than is given to their nondisabled peers is such a barrier, and IDEA does not permit an IEP team to impose this. While an IEP team does have the ability to decide the manner in which a student receives special education, it cannot decide to provide a student *less* education.

I would also like to respond individually to the suggestions provided by COSA.

Allow asynchronous instruction under the supervision of a licensed teacher as “meaningful access”.

While asynchronous instruction can be valuable for some students, it is crucial that students with disabilities have the option access in-person instruction to the same extent that their peers do. To exempt asynchronous instruction would mean that a district could place a student in online school *without* their consent, and experience has shown that such a placement is usually not beneficial to a student receiving special education, due to lack of supervision, structure and personal contact. Of course, under SB 819 a student with disabilities is welcome to opt in to asynchronous instruction, but because it would be considered an abbreviated placement, it would be subject to closer attention, and a student with disabilities would always have the option to return to in-person instruction.

Allow parents to opt out of quarterly IEP meetings for students on an abbreviated day.

Students with an IEP need specially designed instruction, and it is important to make sure that an abbreviated day placement is delivering this instruction and that a student is making progress. If all is going well, the quarterly meetings (which could be held virtually) would be short and simple. However, these meetings provide an important opportunity to check in, especially on the question of continued progress.

Allow a five day extension to a request to return to full-day services, subject to parent approval.

Since an abbreviated day placement is already subject to parent approval, an extended timeline for returning to full-day services that is subject to parent approval is already allowed under the bill.

Exempt schools such as charter schools and magnet schools (“schools of choice”) and other programs such as internships and work-based learning.

If a charter school offers less than a full day, it raises the question of whether the students are getting everything they need from such a school, especially if a student has special needs. Nevertheless, a student could still opt in to such a program, and the quarterly IEP meetings would provide a safeguard against a student falling behind.

If these programs are truly optional, a student should be allowed to return to a full-day placement at any time, and defining these programs as an abbreviated day allows for this. If such programs are exempted from SB 819, a district could unilaterally place students with disabilities into a shortened program and call it a “work placement” or a “magnet school for kids with special needs”.

Sincerely,

A handwritten signature in black ink that reads "Zach Hudson". The signature is written in a cursive style with a long horizontal flourish at the end.

Representative Zach Hudson

cc: Representative Courtney Neron
Representative Boomer Wright
Representative Tracy Cramer
Representative Emily McIntire
Representative Hoa Nguyen
Representative Andrea Valderrama