

HOUSE AMENDMENTS TO B-ENGROSSED SENATE BILL 819

By COMMITTEE ON RULES

June 21

1 On page 1 of the printed B-engrossed bill, delete lines 16 through 20 and insert:

2 “(3)(a) ‘Educational services’ includes any social, learning, enrichment, community or support
3 opportunity or benefit that is offered during the school day to the majority of other students who
4 are in the same grade within a student’s resident school district, including:”.

5 On page 2, after line 1, insert:

6 “(B) Time reasonably needed to transport a student between locations during the school day if
7 the student receives hours of instruction or educational services in more than one location on the
8 same day;”.

9 In line 2, delete “(B)” and insert “(C)”.

10 In line 3, delete “(C)” and insert “(D)”.

11 In line 4, delete “(D)” and insert “(E)”.

12 In line 6, delete “(E)” and insert “(F)”.

13 In line 8, delete “(F)” and insert “(G)”.

14 In line 10, delete “(G)” and insert “(H)”.

15 On page 4, line 32, delete “or 339.252” and insert “, 339.252, 343.155 (5) or 343.177”.

16 On page 7, delete lines 24 through 26 and insert:

17 “(a) Prior to each meeting of the student’s individualized education program team, provide the
18 following information in writing to the parent or foster parent of the student in a language and
19 format accessible to the parent or foster parent:”.

20 In line 27, delete “(i)” and insert “(A)”.

21 In line 29, delete “(ii)” and insert “(B)”.

22 In line 31, delete “(iii)” and insert “(C)”.

23 In line 34, delete “(iv)” and insert “(D)”.

24 Delete lines 38 through 43 and insert:

25 “(b) Hold a meeting of the student’s individualized education program team to review the
26 student’s abbreviated school day program as described in paragraph (c) of this subsection. During
27 the school year, a meeting must be held:”.

28 On page 8, delete lines 20 through 22 and insert:

29 “(c) During each meeting of the student’s individualized education program team while the stu-
30 dent is placed on the abbreviated school day program:

31 “(A) Obtain from the parent or foster parent a signed acknowledgement that the parent or foster
32 parent received the information described in paragraph (a) of this subsection;

33 “(B) Review the student’s progress on the abbreviated school day program;

34 “(C) Consider at least one reasonable alternative placement that includes appropriate supports
35 for the student and that could enable the student to have meaningful access to the same number of

1 hours of instruction and educational services that are provided to the majority of other students
2 who are in the same grade within the student’s resident school district; and

3 “(D) If the individualized education program team recommends continuing the abbreviated
4 school day placement, consider whether the number of hours of instruction and educational services
5 should be increased.

6 “(d) If the parent or foster parent provides informed and written consent to continue an abbre-
7 viated school day program placement, include in the student’s individualized education program or
8 504 Plan a written statement that:”.

9 In line 27, delete “(d)” and insert “(e) At least once every 30 calendar days during the school
10 year,”.

11 On page 9, line 34, after “days” insert “or by a later date specified in a written notice provided
12 by the parent or foster parent”.

13 On page 10, line 6, delete “access” and insert “accessible”.

14 In line 27, after “Instruction” insert “is not required to conduct an investigation and”.

15 In line 38, after “paragraph” insert “and the parent or foster parent has not granted written
16 consent for an extension as described in subsection (1)(d) of this section”.

17 On page 11, line 32, delete “or 339.252” and insert “, 339.252 or 343.155 (5) or that are the result
18 of a placement made as provided by ORS 343.177”.

19 On page 12, line 19, after the period insert “(1)”.

20 After line 21, insert:

21 “(2) Nothing in sections 1 to 6 of this 2023 Act is intended to eliminate or limit the ability of
22 a school district to request an expedited hearing as described in ORS 343.165 (8)(b) because the
23 school district believes that not making an abbreviated school day program placement is substan-
24 tially likely to result in injury to the student or others. When an expedited hearing is conducted
25 pursuant to ORS 343.165 (8):

26 “(a) Notwithstanding ORS 343.167, a hearing officer’s finding that an abbreviated school day
27 program placement is appropriate may not be valid for more than 45 days from the date the decision
28 is entered;

29 “(b) Notwithstanding sections 2, 3, 4 and 5 of this 2023 Act, and if the school district is in
30 compliance with the decision of the hearing officer:

31 “(A) A parent or foster parent may not compel, and the Department of Education may not order,
32 a school district to provide meaningful access to the same number of hours of instruction and edu-
33 cational services that are provided to the majority of other students who are in the same grade
34 within the student’s resident school district; and

35 “(B) The Department of Education may not find the school district is not in compliance with
36 sections 2 (7) and 3 (5) of this 2023 Act and the Teacher Standards and Practices Commission may
37 not take any action described in section 5 (3) of this 2023 Act; and

38 “(c) The student’s individualized education program team shall immediately meet to review the
39 student’s abbreviated school day program and to revise the student’s individualized education pro-
40 gram or 504 Plan to make the documentation described in section 3 (1)(d) of this 2023 Act.”.

41 After line 35, insert:

42 “(3) If a parent or foster parent does not revoke consent or make a written objection to an ab-
43 breviated school day program placement that occurred before the effective date of this 2023 Act and
44 that was ongoing on the effective date of this 2023 Act:

45 “(a) The school district is not required to retroactively obtain informed and written consent

1 from the parent or foster parent;

2 “(b) The abbreviated school day placement shall continue until the next meeting of the student’s
3 individualized education program team; and

4 “(c) At the next meeting of the student’s individualized education program team, consideration
5 of placement on an abbreviated school day program shall be conducted in compliance with sections
6 3 and 4 of this 2023 Act.”.

7 On page 13, line 10, after “subsection” insert “or by a later date specified by written notice by
8 the parent or foster parent”.

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