

SB 819-B17
(LC 2652)
6/7/23 (HRL/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
B-ENGROSSED SENATE BILL 819**

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

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

7 On page 2, after line 1, insert:

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

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

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

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

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

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

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

17 On page 4, line 32, delete “or 339.252” and insert “, 339.252, 343.155 (5) or
18 343.177”.

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

20 “(a) Prior to each meeting of the student’s individualized education pro-
21 gram team, provide the following information in writing to the parent or

1 foster parent of the student in a language and format accessible to the parent
2 or foster parent.”.

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

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

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

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

7 Delete lines 38 through 43 and insert:

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

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

13 “(c) During each meeting of the student’s individualized education pro-
14 gram team while the student is placed on the abbreviated school day pro-
15 gram:

16 “(A) Obtain from the parent or foster parent a signed acknowledgement
17 that the parent or foster parent received the information described in para-
18 graph (a) of this subsection;

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

20 “(C) Consider at least one reasonable alternative placement that includes
21 appropriate supports for the student and that could enable the student to
22 have meaningful access to the same number of hours of instruction and ed-
23 ucational services that are provided to the majority of other students who
24 are in the same grade within the student’s resident school district; and

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

28 “(d) If the parent or foster parent provides informed and written consent
29 to continue an abbreviated school day program placement, include in the
30 student’s individualized education program or 504 Plan a written statement

1 that.”.

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

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

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

7 In line 27, after “Instruction” insert “is not required to conduct an in-
8 vestigation and”.

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

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

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

15 After line 21, insert:

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

22 “(a) Notwithstanding ORS 343.167, a hearing officer’s finding that an ab-
23 breviated school day program placement is appropriate may not be valid for
24 more than 45 days from the date the decision is entered;

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

27 “(A) A parent or foster parent may not compel, and the Department of
28 Education may not order, a school district to provide meaningful access to
29 the same number of hours of instruction and educational services that are
30 provided to the majority of other students who are in the same grade within

1 the student’s resident school district; and

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

6 “(c) The student’s individualized education program team shall imme-
7 diately meet to review the student’s abbreviated school day program and to
8 revise the student’s individualized education program or 504 Plan to make
9 the documentation described in section 3 (1)(d) of this 2023 Act.”.

10 After line 35, insert:

11 “(3) If a parent or foster parent does not revoke consent or make a writ-
12 ten objection to an abbreviated school day program placement that occurred
13 before the effective date of this 2023 Act and that was ongoing on the ef-
14 fective date of this 2023 Act:

15 “(a) The school district is not required to retroactively obtain informed
16 and written consent from the parent or foster parent;

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

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

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

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