

To: Senate Committee on Education  
From: Seth Lichenstein-Hill and Chris Shank, Staff Attorneys

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Re: **HOUSE BILL 2275 WITH THE -2 AMENDMENT**

Dear Chair Dembrow, Vice-Chair Weber, and Members of the Committee,

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school. In 2021, we launched our juvenile expunction clinic.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latinx people and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ SUPPORTS HB 2275 WITH THE -2 AMENDMENT.

### **What HB 2275 with the -2 Amendment Does**

- It creates a right to meaningful access to the same number of instructional hours as the majority of other students in the same grade level in that school district.
- It requires school districts to make reasonable efforts to provide meaningful access to the same number of instructional hours as the majority of other students.
- It prohibits districts from placing a student with disabilities on an abbreviated school day due to inadequate staffing
- It requires the student's IEP team to meet every 30 days to review the student's program.
- Districts are required to obtain consent from the student's parent or foster advocate every 30 days. Parents or foster advocates can withdraw consent at any time for the abbreviated school day. If consent is withdrawn, the student must be provided meaningful access to a full school day within five school days.
- It requires the school district to include on the student's IEP the reasons the student was placed on an abbreviated school day program and what other reasonable options were considered and why they were rejected.
- It requires the school district to inform ODE every 30 days of the student's placement on an abbreviated day. This notice must include what measurable steps the district is taking to provide the student with a full day and an anticipated date by which the student will have access to a full day of school.
- It provides safeguards by having oversight of abbreviated school day plans by school district superintendents and ODE and outlines consequences should a school district not comply.

- It applies only to students with disabilities, as defined by the statute.

### **The Status of the Current Law**

The current law prohibits a district from unilaterally placing a student on an abbreviated school day and requires the district to provide notice to parents of the student's presumptive right to attend a full day of school. They must provide this notice once every school term that the student is placed on an abbreviated day. Districts must document that they considered one option that would provide the student with access to a full day of school.

There are no safeguards in place for oversight of a decision regarding abbreviated school day placement, nor is there a way for parents to get relief if their child's rights are being violated.

### **Why Change is Needed**

Districts continue to place students with disabilities on abbreviated school days at an alarming rate. This has an enormous negative impact on the child's education. Not only do they miss a significant amount of academic instruction, but their view of themselves as a student and their view of the school staff is also negatively impacted. Often, when children are placed on abbreviated school days, they think they don't belong at school, that they won't ever be able to succeed in school, and that the school doesn't want them there. Their relationships with peers suffer since they miss many social opportunities.

The children who are being excluded from school by being placed on an abbreviated day are the children who are most in need of education. They need instruction and support on how to remain emotionally regulated and opportunities to practice those skills as they acquire them.

Given these stakes, school districts should be required to consider abbreviated school days as a last resort. HB 2275 with the -2 amendment creates a right to meaningful access to a full day of school and requires districts to make reasonable efforts to provide what the majority of other students are provided. These are fair and needed requirements to protect our children from being unnecessarily excluded.

Children with disabilities are being placed on abbreviated school days due to a lack of adequate staffing and being told that they cannot come back to school for full days until staffing issues are resolved. HB 2275 with the -2 amendment would prohibit districts from using this as a valid criterion for placing a child on an abbreviated school day. In this way, it will ensure that children are not denied meaningful access to their education based on a district's staffing crisis.

The existing law requires that districts meet with families to reconsider the abbreviated day placement once a school term. This leaves children languishing at home for months, sometimes entire school years, missing out on crucial educational opportunities. These children will fall further behind their peers academically, behaviorally and socially, exacerbating the situation. The -2 amendment's requirement that teams meet every 30 days provides more opportunities for teams to consult on progress and collaborate on ideas to better support the student. Parents have

opportunities to express concerns or celebrate successes that could lead to increasing the student's access to school.

Parents and foster advocates need more tools at their disposal to ensure that children with disabilities are getting an appropriate education. HB 2275 with the -2 amendment would allow parents and foster advocates to refuse consent for an abbreviated day in situations where the school district has not made sufficient efforts to keep the student at school or to revoke their consent if the abbreviated day program is lasting longer than necessary. It also provides a complaint process, oversight by local superintendents and ODE, and consequences for noncompliance to help ensure that it is only being used when necessary and in compliance with the law.

The following stories come from YRJ's representation of child clients. It is important to preserve their confidentiality and as such, we have changed their names and certain identifiers to protect their privacy. However, these stories do describe actual situations our clients have experienced.

HB 2275 with the -2 amendment would have protected Tessy, a six-year-old who was on an abbreviated school day for half of her first-grade year. Tessy came into DHS care midway through her kindergarten year in the middle of the COVID pandemic. She had not had the opportunity to attend pre-school prior to coming into care. Her kindergarten year consisted solely of remote learning, so she didn't have the opportunity to learn all of the crucial skills of how to be a student, like lining up after recess, sitting on the carpet for circle time, and paying attention to a teacher's directions. Tessy is incredibly bright, but has experienced trauma in her life. She struggled to learn classroom skills and needed more adult support to function in the classroom. Everyone on her team, including school staff working with her, agreed that if she had an adult supporting her, she would be successful in the classroom. However, due to inadequate staffing, Tessy was not provided adult support. Instead, she was placed on an abbreviated school day. It required constant advocacy and pressure on the district to gradually increase Tessy's school day. When an instructional assistant was provided, Tessy was completely successful in complying with classroom expectations. She quickly learned the routines and was able to stay emotionally regulated. Within a few short months, she no longer needed adult assistance to have a successful day at school.

Tyler would have also benefited from the protections HB 2275 with the -2 amendment provides. The school district placed Tyler in a public special school placement at the end of the 2021-22 school year, however he was not able to attend that school due to staffing shortages. In fall of 2022, at the start of the 2022-23 school year, there were still insufficient staff and the placement stated that he could not attend until more staff were hired and trained. He was not provided any educational services until November, when the district finally began providing a tutor. Tyler finally began attending school after Thanksgiving, but has only been permitted to attend half days, despite reports from all parties that Tyler is doing exceptionally well when in attendance. The school is requiring that more data be collected that demonstrates that Tyler is ready to extend his day.

HB 2275 with the -2 amendment provides critical protections to ensure that children are being provided meaningful access to their education. Without these needed changes, more students

with disabilities will be placed on abbreviated school days and more students will lose out on important educational opportunities. YRJ urges you to support this bill.

Thank you for your consideration of this important issue.