8 May 2023

Dear Chair Neron and distinguished members of the Committee:

I am submitting this testimony to voice my opposition to SB819. Not only does this bill subvert regulations related to federal law (Individuals with Disabilities Education Act of 2004), but it also prevents parents and educators from acting in the best interest of extremely high-needs students with disabilities.

A student's special education placement is described based on the percentage of the school day a student is removed from typically developing peers, so it is likely that changing a student to an abbreviated day would result in a change of placement. Per federal and state regulations, special education placement is an IEP *team* decision (34 CFR §300.116; OAR 581-015-2250). Therefore, it is incompatible to require a single IEP team member's permission for a placement or to allow a single IEP team member to unilaterally override the placement decision of an IEP team. The provisions of SB 819 §5(1), however, require a single member (parent) to provide consent for placement and allows a single IEP team member (parent) to change placement (revoke consent) outside of the federally- and state-required IEP team process [SB 819-A13, Section 5(1)]. Implementing SB 819, then, creates a clash between federal and state requirements for special education procedures. I would imagine that it would not be the Oregon legislature's intent to countermand a federal law.

In my role as a district administrator who focuses on special education legal compliance, I have reviewed most of abbreviated day cases in my district over the past year. I have found that the majority of these cases involved one of two situations:

1. The student in question had highly complex medical needs that impacted their ability to maintain alertness and stamina across a complete school day. In those cases, a team chose, often at a parent's urging, to implement an abbreviated day to preserve the student's energy and comfort across the day. In such cases, an abbreviated day truly is the least restrictive environment, as having the student remain for a full day of school was not providing additional educational benefit and it negatively impacted the student's well-being. These students' medical needs do not often change over time.

2. The parent insisted that the student only attend part-time, despite district personnel cautioning them against it. Parental reasoning varied but included: their student needed to sleep later each day than the school start time; they had scheduled regular non-educational activities, like family counseling, three days per week in the middle of

the school day; or, they stated that their student would "be better off at home" for part of the day. In these situations, the team often amended the IEP in order to provide the greatest amount of needed special education services possible during the portion of the day that the student would be in attendance. These students often did not return to a full day until the parent deemed it so.

Holding monthly IEPs and seeking parent signatures on acknowledgement notices would not have swayed these parents' decisions to remove their child for a portion of the school day. However, it would have spent public funds to gather multiple school employees once a month to have discussions and complete paperwork that reflected no change. It should be an IEP team decision, based on student needs, as to how often to hold an IEP meeting.

Overall, there are a very, very small number of students placed on an abbreviated school day by and IEP team *against the parent's wishes.* Creating an overly directive law that results in unnecessary costs to educator time and public funds, and misaligns with federal law and existing state law, is a not in the best interest of students or the state.

I would be happy to discuss this issue further. Thank you for your consideration.

Respectfully submitted,

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