

SB 735 STAFF MEASURE SUMMARY

Senate Committee On Education

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Meeting Dates: 3/31

WHAT THE MEASURE DOES:

The measure excludes students who are voluntarily enrolled in public charter schools from statutory provisions regulating abbreviated school days if the majority of the students enrolled in the public charter school are not students with disabilities, the public charter school is not designed to serve students with challenging behavior or complex medical needs, the regular schedule provides at least 95 percent of the total number of hours as other schools in the district, and the student is not restricted to attending fewer hours than other students at the school. The measure declares an emergency and takes effect on passage.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In January, 2019, advocates for students with disabilities filed a class-action lawsuit in federal court, alleging that the State of Oregon had failed to ensure that students with disabilities had access to the educational opportunities guaranteed to them. At issue were instances of Oregon school districts placing students with disabilities onto shortened school days and the Oregon Department of Education's failure to take the steps necessary to ensure these students' rights to a free, appropriate public education were upheld. In June 2022, a court-ordered neutral fact-finder issued a report detailing their findings, including that there is no consistent use of signed parental permission, there are no mandated trainings provided by ODE, districts' record-keeping is often poor or neglected, the state has no effective or efficient way to gather data or monitor the use of shortened days, some districts withheld information, students are sometimes placed in permanent shortened-day programs, students are often required to "earn" a full school day, students often did not have any behavioral goals or a behavioral intervention plan, and in many cases, parental consent was not obtained.

The State Board enacted a General Supervision Rule in July 2022 (OAR 581-015-2015) that allows the department to monitor whether school districts are operating in compliance with legal and regulatory requirements. The rule is specific to programs for students with disabilities and allows the department to provide technical assistance, coaching, and professional development; to notify districts of any identified noncompliance within three months (or 30 days in certain cases); and to take any required corrective action. The rule requires districts to take specific actions and provides the department with the ability to withhold funds.

[Senate Bill 819 \(2023\)](#) enacted new requirements related to the placement of students with disabilities, or who may have disabilities, onto abbreviated school days.