

Senate Bill 523

Sponsored by Senator SMITH DB (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Allows a student to use certain services when the student is removed from an ASDP. (Flesch Readability Score: 73.1).

Allows a student with a disability to use transitional services available to students without disabilities when the student's parent or foster parent revokes consent for, or objects to, the student's placement on an abbreviated school day program.

Declares an emergency, effective July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to the transition from an abbreviated school day program; amending ORS 343.328; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 343.328 is amended to read:

6 343.328. (1)(a) A parent or a foster parent may, at any time, revoke consent for the placement
7 of a student with a disability on an abbreviated school day program.

8 (b) Consent for the abbreviated school day program placement shall be considered revoked if,
9 at any time, the parent or the foster parent revokes the consent, in writing, to an abbreviated school
10 day program placement or makes a written objection to the abbreviated school day program place-
11 ment.

12 (c) Upon receipt of a written revocation or objection to the abbreviated school day program
13 placement, the school district superintendent shall ensure that, within five school days or by a later
14 date specified in a written notice provided by the parent or foster parent, the student has:

15 (A) Meaningful access to the same number of hours of instruction and educational services that
16 are provided to the majority of other students who are in the same grade within the student's resi-
17 dent school district[.]; **or**

18 (B) **Access to the same transitional services that are provided to students without disa-**
19 **abilities to assist a student in increasing the number of hours of instruction and educational**
20 **services that are provided to the student.**

21 (d) Notwithstanding paragraph [(c)] (c)(A) of this subsection, a parent or foster parent of a
22 student may allow the school district superintendent to have an extension of an additional five
23 school days to ensure that the student has meaningful access to the same number of hours of in-
24 struction and educational services that are provided to the majority of other students who are in
25 the same grade within the student's resident school district if:

26 (A) The parent or foster parent provides written consent for the extension;

27 (B) The parent or foster parent has not previously provided written consent for an extension for
28 the student during the school year;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (C) The written consent states that the parent or foster parent understands that the parent or
2 foster parent is not required to give consent for the extension and that the refusal to give consent
3 for the extension will not result in adverse actions being taken against the student; and

4 (D) The school district provides to the parent or foster parent, in writing and in a language and
5 format accessible to the parent or foster parent, the specific reasons why the extension is needed.

6 (e) If a school district fails to provide meaningful access before the expiration of an extension
7 allowed under paragraph (d) of this subsection, any calculations of compensatory education that
8 must be provided by the school district will be made as though an extension had not been allowed.

9 (f) If a student is on an abbreviated school day program on the last day of the school year and
10 the student's parent or foster parent makes a written objection to the abbreviated school day pro-
11 gram placement or revokes consent for the abbreviated school day program placement at least 14
12 calendar days prior to the beginning of the next school year, the student shall, beginning on the first
13 day of the new school year, be provided with meaningful access to the same number of hours of in-
14 struction and educational services that are provided to the majority of other students who are in
15 the same grade within the student's resident school district.

16 (2)(a) When the Department of Education receives a complaint or otherwise has cause to believe
17 a school district is not in compliance with ORS 343.322 (7) and 343.324 (5), the department must in-
18 itiate an investigation and inform the school district of any noncompliance within 30 calendar days
19 of receiving the complaint or having cause to believe the school district is not in compliance.

20 (b) If a complaint described in paragraph (a) of this subsection relates to a specific student and
21 is submitted by the student's parent or foster parent, the Superintendent of Public Instruction is not
22 required to conduct an investigation and shall:

23 (A) Presume that consent for the abbreviated school day program placement has been revoked.

24 (B) Immediately, and in no case no more than two business days after receipt of the complaint,
25 order the school district to provide to the student, within five school days, meaningful access to the
26 same number of hours of instruction and educational services that are provided to the majority of
27 other students who are in the same grade within the student's resident school district. For the
28 purpose of this subparagraph, "business day" has the meaning given that term in ORS 192.311.

29 (C) Find the school district is not in compliance with ORS 343.322 (7) and 343.324 (5) if the
30 school district fails to comply with the order described in subparagraph (B) of this paragraph and
31 the parent or foster parent has not granted written consent for an extension as described in sub-
32 section (1)(d) of this section.

33 (c) If the superintendent finds that a school district is not in compliance with ORS 343.322 (7)
34 and 343.324 (5), either after an investigation or as provided by paragraph (b) of this subsection, the
35 superintendent shall:

36 (A) Enter an order that any students named in the complaint or identified in the course of an
37 investigation initiated under paragraph (a) of this subsection who are placed on an abbreviated
38 school day program in violation of ORS 343.322 (7) and 343.324 (5) be provided, within five school
39 days of the final order, with meaningful access to the same number of hours of instruction and ed-
40 ucational services that are provided to the majority of other students who are in the same grade
41 within the student's resident school district.

42 (B) If the school district fails to comply with the order described in subparagraph (A) of this
43 paragraph within five school days, find the school district nonstandard under ORS 327.103 or 334.217
44 until all students subject to the order and placed on an abbreviated school day program in violation
45 of ORS 343.322 (7) and 343.324 (5) are provided with meaningful access to the same number of hours

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

3 (C) If the school district fails to comply with the order described in subparagraph (A) of this
 4 paragraph within 10 school days and notwithstanding any timelines or process requirements of ORS
 5 327.103 or 334.217, immediately withhold State School Fund moneys that otherwise would be dis-
 6 tributed to the school district. Amounts withheld must be calculated based on the weighted average
 7 daily membership attributable to the students subject to the order, as calculated under ORS 327.013,
 8 and the percentage of the school year that the students were placed on an abbreviated school day
 9 program in violation of ORS 343.322 (7) and 343.324 (5).

10 (D) Require the school district to provide compensatory education to the students subject to the
 11 order that is equivalent to at least one hour of direct instruction for every two hours of instruction
 12 that were lost due to an abbreviated school day program placement in violation of ORS 343.322 (7)
 13 and 343.324 (5).

14 (3) The failure of a school district superintendent to restore meaningful access to a student
 15 within the time required by ORS 343.326 (3)(b)(B) or subsection (1)(c) or (d) of this section or to
 16 comply with an order issued under subsection (2)(c) of this section to restore meaningful access to
 17 all students subject to the order may be grounds for discipline by the Teacher Standards and Prac-
 18 tices Commission under ORS 342.175. If the commission receives a complaint concerning a failure
 19 described in this subsection, the commission shall take into consideration the responsive efforts and
 20 actions of the superintendent to restore meaningful access to the student or students.

21 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public**
 22 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
 23 **July 1, 2025.**
