

Senate Bill 524

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: Excludes certain students from the ASDP laws. (Flesch Readability Score: 78.8).
Excludes certain students from the requirements of an abbreviated school day program.
Declares an emergency, effective July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to exemptions of abbreviated school day program requirements; amending ORS 343.326 and
3 343.331; and declaring an emergency.

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

5 **SECTION 1.** ORS 343.331, as amended by section 1, chapter 59, Oregon Laws 2024, is amended
6 to read:

7 343.331. ORS 343.322, 343.324, 343.326 and 343.328 do not apply to any of the following:

8 (1) Any abbreviated school days that are a component of discipline imposed in compliance with
9 ORS 339.250, 339.252 or 343.155 (5) or that are the result of a placement made as provided by ORS
10 343.177.

11 (2) A student's exclusion from schools due to the student's immunization status or due to the
12 student's exposure to a restrictable disease, as provided by ORS 433.235 to 433.284.

13 (3) The exclusion of a student from schools or the closure or restriction of access to schools due
14 to actions taken under a public health emergency authorized under ORS 433.441 to 433.452.

15 (4) A student who has fulfilled all state requirements for graduation with a high school diploma,
16 as described in ORS 329.451 (2), when the parent or foster parent has agreed to the abbreviated
17 school day program.

18 (5) A student enrolled in a program described in ORS 336.585, 336.590, 339.129, 343.261, 343.961
19 (1)(c)(A)(i) or 346.010, if the student has meaningful access to the same number of hours of instruc-
20 tion and educational services as the majority of other students enrolled in the same program as the
21 student.

22 **(6) A student not described in subsection (5) of this section who is a medically complex**
23 **student or a medically fragile student, as those terms are defined in ORS 336.201, if the**
24 **student has meaningful access to the same number of hours of instruction and educational**
25 **services as the majority of other students who are in the same grade within the student's**
26 **resident school district.**

27 **(7) A student whose physical, mental or behavioral health needs result in absences that**
28 **are excused as provided by ORS 339.065 and that are not related to the student being iden-**
29 **tified as a student with a disability.**

30 **(8) A student whose behavior is disruptive or whose behavior may cause physical harm**

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 **to a student or school employee when that behavior does not cause the student to be iden-**
 2 **tified as a student with a disability.**

3 [(6)] (9) A student whose parent or foster parent has notified an education service district that
 4 the student is being taught by a parent, legal guardian or private teacher under ORS 339.035.

5 **(10) A student whose parent or foster parent has notified the school district that the**
 6 **student is receiving instruction in religion as provided by ORS 339.420.**

7 [(7)] (11) A student who is excluded from, or limited access to, school due to a court order.

8 [(8)] (12) A high school student who is voluntarily enrolled in an alternative education program
 9 in compliance with ORS 336.635, the Expanded Options Program under ORS 340.005 to 340.090 or
 10 an accelerated college credit program as defined in ORS 340.300, when:

11 (a) The majority of the students of the program are not students with disabilities;

12 (b) The student is not restricted to attending fewer hours of instruction and educational services
 13 than the number of hours of instruction and educational services attended by the majority of stu-
 14 dents without disabilities who are in the same grade and who attend the same program; and

15 (c) For an alternative education program in which the student is enrolled under ORS 336.635,
 16 the school district informs the parent or foster parent, in writing and in a language and format ac-
 17 cessible to the parent or foster parent, that upon written request of the parent or foster parent, the
 18 student will be immediately restored to a school that allows the student to access the same number
 19 of hours of instruction and educational services that are provided to the majority of other students
 20 who are in the same grade within the student's resident school district.

21 [(9)] (13) A student who, when registering for classes for a term or semester of a school year,
 22 voluntarily does not schedule a class for one or more class periods. The provisions of this subsection
 23 apply only if the student is:

24 (a) In grade 11 or 12 and is on track to fulfill all state requirements for graduation with a high
 25 school diploma, as described in ORS 329.451 (2), or a modified diploma, as described in ORS 329.451
 26 (7), within four years of starting grade 9; or

27 (b) On track to fulfill all state requirements for graduation with a high school diploma, as de-
 28 scribed in ORS 329.451 (2), or a modified diploma, as described in ORS 329.451 (7), by the end of the
 29 school year in which the student voluntarily does not schedule a class for one or more class periods.

30 [(10)] (14) Asynchronous instruction if the instruction:

31 (a) Is for only one class per term or semester;

32 (b) Satisfies a credit requirement for a high school diploma, as described in ORS 329.451 (2), or
 33 a modified diploma, as described in ORS 329.451 (7);

34 (c) Is a credit recovery class or is a class not otherwise available to the student;

35 (d) Is offered to students on a voluntary basis and is not restricted to only students with a dis-
 36 ability; and

37 (e) Is accessible to a student while the student is at school and while staff of the school are
 38 immediately available to the student.

39 **(15) A student who is voluntarily enrolled in a virtual public charter school operated in**
 40 **compliance with ORS chapter 338 when:**

41 **(a) The majority of the students of the virtual public charter school are not students with**
 42 **disabilities; and**

43 **(b) The student is not restricted to attending fewer hours of instruction and educational**
 44 **services than the number of hours of instruction and educational services attended by the**
 45 **majority of students without disabilities who are in the same grade and who attend the same**

1 **virtual public charter school.**

2 **SECTION 2.** ORS 343.326 is amended to read:

3 343.326. (1) When a student with a disability is placed on an abbreviated school day program,
4 the provisions of this section apply.

5 (2) For each student with a disability placed on an abbreviated school day program, the school
6 district shall:

7 (a) Prior to each meeting of the student’s individualized education program team, provide the
8 following information in writing to the parent or foster parent of the student in a language and
9 format accessible to the parent or foster parent:

10 (A) The school district’s duty to comply with the requirements of ORS 343.321 to 343.331;

11 (B) The prohibition against a school district unilaterally placing a student with a disability on
12 an abbreviated school day program;

13 (C) The student’s right to have meaningful access to the same number of hours of instruction
14 and educational services as the majority of other students who are in the same grade within the
15 student’s resident school district; and

16 (D) The parent’s or foster parent’s right, at any time, to withdraw consent for an abbreviated
17 school day program placement or to request a meeting of the student’s individualized education
18 program team to discuss whether the student should no longer be placed on an abbreviated school
19 day program.

20 (b) Hold a meeting of the student’s individualized education program team to review the
21 student’s abbreviated school day program as described in paragraph (c) of this subsection. During
22 the school year, a meeting must be held:

23 (A) No fewer than 25 calendar days and no more than 35 calendar days after the initial place-
24 ment on the abbreviated school day program.

25 (B) No less frequently than once every 30 calendar days, starting after the meeting described
26 in subparagraph (A) of this paragraph, unless the parent or foster parent provides written consent
27 to meet less frequently than once every 30 calendar days. Notwithstanding written consent provided
28 under this subparagraph:

29 (i) In no event may a meeting be held less frequently than:

30 (I) Once every 90 calendar days for a student with an individualized education program, starting
31 after the meeting described in subparagraph (A) of this paragraph;

32 (II) Once every year for a student with a 504 Plan, starting after the meeting described in sub-
33 paragraph (A) of this paragraph; **or**

34 *[(III) Once every year for a student who is enrolled in a virtual public charter school that operates*
35 *in compliance with ORS chapter 338 and who has meaningful access to the same number of hours of*
36 *instruction and educational services as the majority of other students who are not disabled students*
37 *and who are in the same grade within the school, starting after the meeting described in subparagraph*
38 *(A) of this paragraph; or]*

39 *[(IV)]* (III) Once every year for a student receiving educational services in a pediatric nursing
40 facility as provided in ORS 343.941, starting after the meeting described in subparagraph (A) of this
41 paragraph; and

42 (ii) A meeting must be held within 14 calendar days of a parent or foster parent requesting a
43 meeting.

44 (c) During each meeting of the student’s individualized education program team while the stu-
45 dent is placed on the abbreviated school day program:

1 (A) Obtain from the parent or foster parent a signed acknowledgement that the parent or foster
2 parent received the information described in paragraph (a) of this subsection;

3 (B) Review the student's progress on the abbreviated school day program;

4 (C) Consider at least one reasonable alternative placement that includes appropriate supports
5 for the student and that could enable the student to have meaningful access to the same number of
6 hours of instruction and educational services that are provided to the majority of other students
7 who are in the same grade within the student's resident school district; and

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

11 (d) If the parent or foster parent provides informed and written consent to continue an abbre-
12 viated school day program placement, include in the student's individualized education program or
13 504 Plan a written statement that:

14 (A) Explains the reasons the student was placed on the abbreviated school day program; and

15 (B) Describes in detail other reasonable options that were considered and documents why each
16 option considered was not implemented.

17 (e) At least once every 30 calendar days during the school year, inform the Department of Ed-
18 ucation about the student's abbreviated school day program placement, including:

19 (A) The grade level of the student;

20 (B) The number of hours of instruction and educational services the school district is scheduled
21 to provide to the student each week;

22 (C) The date the student began the abbreviated school day program; and

23 (D) The date by which the student is expected to receive meaningful access to the same number
24 of hours of instruction and educational services that are provided to the majority of other students
25 who are in the same grade within the student's resident school district.

26 (3)(a) The school district superintendent must review a student's abbreviated school day program
27 placement if the student is placed on an abbreviated school day program for:

28 (A) Ninety or more cumulative calendar days during a school year; or

29 (B) Ninety or more cumulative calendar days, excluding summer break, when the student is
30 placed on an abbreviated school day program during two or more consecutive school years.

31 (b) The school district superintendent must review the student's abbreviated school day program
32 placement when required under paragraph (a) of this subsection and:

33 (A) Find that the abbreviated school day program placement is compliant with state and federal
34 law and document in writing:

35 (i) The efforts of the school district to facilitate the student's meaningful access to the same
36 number of hours of instruction and educational services that are provided to the majority of other
37 students who are in the same grade within the student's resident school district; and

38 (ii) The specific barriers that prevent that meaningful access; or

39 (B) Find that the abbreviated school day program placement is not compliant with state and
40 federal law and ensure that, within five school days of making the finding, the student has mean-
41 ingful access to the same number of hours of instruction and educational services that are provided
42 to the majority of other students who are in the same grade within the student's resident school
43 district unless an extension has been allowed as provided by ORS 343.328 (1)(d).

44 (c) In addition to a finding made under paragraph (b) of this subsection, for any student in
45 grades 9 through 12 not expected to graduate on time with a high school diploma, a modified di-

1 ploma or an extended diploma, the school district superintendent must document in writing:

2 (A) The plan for credit recovery and comprehensive services, including compensatory services,
3 that is being implemented to ensure the student’s on-time graduation with a high school diploma, a
4 modified diploma or an extended diploma; and

5 (B) The student’s progress toward on-time graduation with a high school diploma, a modified
6 diploma or an extended diploma.

7 (d) If the student is served by an education program through an education service district, the
8 requirements of paragraphs (a) to (c) of this subsection apply to the superintendent of the resident
9 school district.

10 (e) Any findings or documentation required under paragraphs (b) and (c) of this subsection must
11 be provided, within five school days of making the finding, to the student’s parent or foster parent
12 in a language and format accessible to the parent or foster parent.

13 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
15 **July 1, 2025.**

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