

Enrolled Senate Bill 742

Sponsored by Senator GELSER BLOUIN (Presession filed.)

CHAPTER

AN ACT

Relating to electronic meetings to discuss an abbreviated school day program placement; amending ORS 343.321 and 343.324; and declaring an emergency.

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

SECTION 1. ORS 343.324 is amended to read:

343.324. A school district may not provide an abbreviated school day program to a student with a disability unless all of the following are satisfied:

(1) The student's individualized education program team:

(a) Recommends that the student should be placed on an abbreviated school day program:

(A) Based on the student's individual needs, which may not include consideration of a lack of school district resources, including:

(i) Licensed or classified staff;

(ii) Availability of training;

(iii) Accessible facilities; and

(iv) Related services, including nursing services and transportation services; and

(B) After the opportunity for the student's parent or foster parent to meaningfully participate in a meeting of the individualized education program team to discuss an abbreviated school day program placement[, *including*]. **A student's parent or foster parent must be provided the reasonable opportunity to physically attend the meeting of the individualized education program team at which the abbreviated school day program placement is discussed, unless the parent or foster parent consents to holding the meeting through telephone or other electronic means or unless the holding of a meeting in person is not reasonable due to a public health emergency.**

(b) Makes determinations about the instruction and educational services to be offered to the student based on the student's individual needs.

(c) Documents that the school district offered at least one reasonable alternative placement that included appropriate supports for the student and that could enable the student to have meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district.

(d) Documents the specific provisions of the abbreviated school day program, including:

(A) How the abbreviated school day program will be designed to:

(i) Support the student's return to a school day program that is not an abbreviated school day program; and

(ii) Make progress toward the student's individualized learning goals and progress in the general curriculum;

(B) The number of hours of instruction and educational services to be provided to the student while the student is placed on the abbreviated school day program;

(C) How the student's progress toward the student's individualized learning goals and progress in the general curriculum will be measured; and

(D) The date by which the student is expected to return to a school day program that is not an abbreviated school day program.

(2) Prior to the discussion of the abbreviated school day program placement, the school district provides a written statement to the student's parent or foster parent in a language and format accessible to the parent or foster parent informing the parent or foster parent of:

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

(b) The prohibition on the school district to unilaterally place a student with a disability on an abbreviated school day program; and

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

(3) The school district provides a written statement summarizing the documentation described in subsection (1)(c) and (d) of this section in a language and format accessible to the parent or foster parent.

(4) The school district receives a signed acknowledgment from the parent or foster parent acknowledging receipt of the written statement described in subsection (2) of this section.

(5) The parent or foster parent provides informed and written consent for the abbreviated school day program placement.

SECTION 2. ORS 343.321 is amended to read:

343.321. As used in ORS 343.321 to 343.331:

(1) "Abbreviated school day" means any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student's resident school district.

(2) "Abbreviated school day program" means an education program:

(a) In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student's resident school district; and

(b) That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

(3)(a) "Educational services" includes any social, learning, enrichment, community or support opportunity or benefit that is offered during the school day to the majority of other students who are in the same grade within a student's resident school district, including:

(A) Passing time between classes;

(B) Time reasonably needed to transport a student between locations during the school day if the student receives hours of instruction or educational services in more than one location on the same day;

(C) Recess;

(D) Nonacademic assemblies and field trips;

(E) Job shadows, internships and community service activities arranged by the school or school district;

(F) Optional school programs held during the school day, including study periods and advisory periods that are open to the majority of students in the school;

(G) Lunch periods or other meal or snack periods provided to the majority of students of the school; and

(H) Reasonable access to school facilities during noninstructional time that is equal to the access available to the majority of other students who are in the same grade within the student's resident school district.

(b) "Educational services" does not include time being transported to or from school or time traveling between a classroom and transportation before or after the school day.

(4) "504 Plan" means an education plan developed for a student with a disability in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(5) "Foster parent" means the foster parent of a child or ward who is in the legal custody of the Department of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed in substitute care.

(6) "Hours" includes any fraction of an hour.

(7) "Individualized education program team" includes, when applicable, a team that develops a 504 Plan.

(8) "Informed and written consent" means that a student's parent or foster parent has signed and dated a written consent form affirming that:

(a) The parent or foster parent received the information described in ORS 343.324 (2) and (3);

(b) The parent or foster parent was not asked to provide consent for an abbreviated school day program placement before having an opportunity to meaningfully participate in a meeting of the individualized education program team **as described in ORS 343.324**;

(c) The school district offered, and the individualized education program team considered, at least one reasonable alternative placement, as described in ORS 343.324 (1)(c), prior to requesting that the parent or foster parent provide consent for an abbreviated school day program placement;

(d) The parent or foster parent was informed that the individualized education program team will meet at least once every 30 calendar days during the school year unless the parent or foster parent provides signed consent to meet less frequently as provided in ORS 343.326 (2)(b)(B);

(e) The parent or foster parent was informed that if, during the school year, the individualized education program team is scheduled to convene less frequently than once every 30 calendar days during the abbreviated school day program, the school district must convene an individualized education program team meeting within 14 calendar days of receiving a written request from the parent or foster parent for the meeting;

(f) The parent or foster parent voluntarily signed the consent form for the abbreviated school day program placement; and

(g) The parent or foster parent was informed of the right to revoke consent, in writing, to an abbreviated school day program placement at any time and informed that the parent or foster parent is not required to request or attend an individualized education program team meeting prior to revoking consent to an abbreviated school day program placement.

(9)(a) "Instruction" means the time during which a student is:

(A) Engaged in regularly scheduled instruction, learning activities or learning assessments that are designed to meet Common Curriculum Goals or grade level academic content standards or engaged in specially designed instruction that is individualized to support a student to make meaningful progress in the general curriculum.

(B) Working under the direction and supervision of a licensed or registered teacher, a licensed career and technical education instructor, a licensed practitioner or an instructional assistant who is assigned instructionally related activities and is working under the direct supervision of a licensed or registered teacher.

(b) "Instruction" does not include time spent:

(A) Passing between class, at recess, in nonacademic assemblies, on nonacademic field trips, traveling to or from school, loading or unloading from a school bus at the start or end of the student's school day, participation in optional programs or participation in study periods or advisory periods when attendance is not required and no instructional assistance is provided.

(B) In an online learning program during which the student is unable to access the materials or benefit from instruction because the school district has not provided the student with the sup-

ports necessary to access the materials or instruction, including the support of an instructional assistant, nursing services, adapted materials or other related services identified in the student's individualized education program or 504 Plan as being necessary for a free appropriate public education.

(10) "Meaningful access" means access to full-time, quality instruction or educational services that is:

(a) Delivered by:

(A) A qualified licensed teacher; or

(B) Qualified classified staff who are under the direct supervision of a qualified licensed teacher; and

(b) Synchronous, unless the instruction or educational services are provided by a virtual public charter school in compliance with ORS chapter 338.

(11) "Parent" includes:

(a) A parent or a legal guardian, other than a state agency.

(b) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

(c) The student's surrogate, if the student has a surrogate, as defined in ORS 419A.004.

(12) "Resident school district" means the school district in which a student is a resident under ORS 339.133.

(13) "School district" includes an education service district.

(14) "Student with a disability" means a student who:

(a) Is eligible for special education and related services, as provided by ORS chapter 343;

(b) Has a disability under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and is eligible for a 504 Plan; or

(c) Has not been determined to be eligible for special education and related services, as provided by ORS chapter 343, or to be eligible for a 504 Plan, but for whom a request or referral for evaluation for eligibility determination has been made but not yet completed.

(15) "Unilaterally place" means a placement by a school district without the informed and written consent of the student's parent or foster parent.

SECTION 3. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by Senate April 10, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 8, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State