

# Enrolled Senate Bill 745

Sponsored by Senator GELSER BLOUIN (Presession filed.)

CHAPTER .....

AN ACT

Relating to the frequency of meetings regarding abbreviated school day programs for students who are terminally ill; amending ORS 343.326; and declaring an emergency.

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

**SECTION 1.** ORS 343.326 is amended to read:

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

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

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

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

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

(C) 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; and

(D) 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.

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

(A) No fewer than 25 calendar days and no more than 35 calendar days after the initial placement on the abbreviated school day program.

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

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

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

(II) Once every year for a student with a 504 Plan, starting after the meeting described in subparagraph (A) of this paragraph;

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

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

**(V) Once every year for a student who has an illness or sickness that can reasonably be expected to result in death in 12 months or less, starting after the meeting described in subparagraph (A) of this paragraph; and**

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

(c) During each meeting of the student's individualized education program team while the student is placed on the abbreviated school day program:

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

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

(C) Consider at least one reasonable alternative placement that includes 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; and

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

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

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

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

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

(A) The grade level of the student;

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

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

(D) The date by which the student is expected to receive 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.

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

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

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

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

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

(i) The efforts of the school district to facilitate the student’s 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; and

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

(B) Find that the abbreviated school day program placement is not compliant with state and federal law and ensure that, within five school days of making the finding, the student has 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 unless an extension has been allowed as provided by ORS 343.328 (1)(d).

(c) In addition to a finding made under paragraph (b) of this subsection, for any student in grades 9 through 12 not expected to graduate on time with a high school diploma, a modified diploma or an extended diploma, the school district superintendent must document in writing:

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

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

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

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

**SECTION 2. 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