

Enrolled Senate Bill 475

Sponsored by Senator GELSER, Representative STARK; Senator THATCHER, Representative NOBLE (Pre-session filed.)

CHAPTER

AN ACT

Relating to the well-being of children in substitute care placements; creating new provisions; and amending ORS 343.161.

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

SECTION 1. ORS 343.161 is amended to read:

343.161. (1) As used in this section:

(a) "Abbreviated school day" means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school.

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

(A) In which a school district restricts a student's access to hours of instruction or educational services; and

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

(c) "Foster youth" means 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.

[(c)] **(d)** "Parent" includes the student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

[(d)] **(e)** "Unilaterally place" means a placement by a school district without the consent of the student's parent, **or, if the student is a foster youth, without the consent of the student's foster parent and, if the student has a surrogate as defined in ORS 419A.004, the consent of the surrogate.**

(2) A school district may not unilaterally place a student on an abbreviated school day program, regardless of the age of the student.

(3)**(a)** A school district may provide an abbreviated school day program to a student only if the student's individualized education program team:

[(a)] **(A)** Determines that the student should be placed on an abbreviated school day program:

[(A)] **(i)** Based on the student's needs; and

[(B)] **(ii)** After the opportunity for the student's parents to meaningfully participate in a meeting to discuss the placement; and

[(b)] **(B)** Documents that the team considered at least one option that included appropriate supports for the student and that could enable the student to access the same number of hours of

instruction or educational services that are provided to students who are in the same grade within the same school.

(b) In addition to the requirements prescribed by paragraph (a) of this subsection, unless otherwise ordered by a court, a school district may provide an abbreviated school day program to a student who is a foster youth only if:

(A) The student's individualized education program team provided the opportunity for the student's foster parent to meaningfully participate in a meeting to discuss the placement, including the reasonable opportunity to physically attend the meeting at which the abbreviated school day program is discussed; and

(B) The school district provides written notification to the foster parent that includes:

(i) A statement informing the foster parent of the student's presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school and the foster parent's right to request, at any time, a meeting of the individualized education program team to determine whether the student should no longer be placed on an abbreviated school day program;

(ii) A statement that a school district may not unilaterally place a student on an abbreviated school day program; and

(iii) A statement summarizing the documentation described in paragraph (a)(B) of this subsection.

(4) If a student is placed on an abbreviated school day program, the school district shall, at least once each term:

(a) Provide the following information in writing to the parent **or foster parent** of the student:

(A) The school district's duty to comply with the requirements of this section;

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

(C) The student's presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school and the parent's **or foster parent's** right to request, at any time, a meeting of the individualized education program team to determine whether the student should no longer be placed on an abbreviated school day program.

(b) Obtain a signed acknowledgment from the parent **or foster parent** of the student that the parent **or foster parent** received the information described in paragraph (a) of this subsection.

(c) Include in the student's individualized education program a written statement that explains the reasons the student was placed on an abbreviated school day program.

(5) This section does not apply to:

(a) Any abbreviated school days that are a component of discipline imposed in compliance with ORS 339.250;

(b) A student who will be eligible to complete the requirements for a diploma or certificate under ORS 329.451 during the school year if the student, and the parent of the student, agree to the abbreviated school day program; or

(c) A student whose parent has notified an education service district that the student is being taught by a parent, legal guardian or private teacher under ORS 339.035.

SECTION 2. The amendments to ORS 343.161 by section 1 of this 2019 Act apply to students placed on an abbreviated school day program on or after the effective date of this 2019 Act.

Passed by Senate April 18, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State