

A-Engrossed
Senate Bill 475

Ordered by the Senate April 16
Including Senate Amendments dated April 16

Sponsored by Senator GELSER, Representative STARK (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.

[Directs Department of Human Services to conduct monthly, in-person visits with child or ward in substitute care that include updates on academic status and progress. Directs department to conduct exit interview with child or ward no later than 30 days after department removes child or ward from substitute care placement.]

[Directs department to ensure, with respect to school placement, that child or ward is not placed in more restrictive setting than child or ward was placed in at resident school district nor in self-contained classroom as opposed to all-inclusive placement.]

[Requires department to ensure that child or ward 16 years of age or older has opportunity to create facilitated person centered plan before leaving substitute care.]

Permits school district to provide abbreviated school day program to foster youth student only if *[no appropriate alternative exists, student's case manager and foster parent are involved in decision and student's foster parent, case worker, education surrogate and Director of Human Services consent]* **student's foster parent is provided opportunity to participate in decision and school district provides certain written information to foster parent.**

A BILL FOR AN ACT

1
2 Relating to the well-being of children in substitute care placements; creating new provisions; and
3 amending ORS 343.161.

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

5 **SECTION 1.** ORS 343.161 is amended to read:

6 343.161. (1) As used in this section:

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

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

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

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

15 (c) **"Foster youth" means a child or ward who is in the legal custody of the Department**
16 **of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed in sub-**
17 **stitute care.**

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

20 *[(d)]* (e) "Unilaterally place" means a placement by a school district without the consent of the
21 student's parent, **or, if the student is a foster youth, without the consent of the student's**

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 **foster parent and, if the student has a surrogate as defined in ORS 419A.004, the consent of**
2 **the surrogate.**

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

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

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

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

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

11 [(b)] (B) Documents that the team considered at least one option that included appropriate
12 supports for the student and that could enable the student to access the same number of hours of
13 instruction or educational services that are provided to students who are in the same grade within
14 the same school.

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

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

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

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

28 (ii) **A statement that a school district may not unilaterally place a student on an abbrevi-**
29 **ated school day program; and**

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

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

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

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

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

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

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

45 (c) Include in the student's individualized education program a written statement that explains

1 the reasons the student was placed on an abbreviated school day program.

2 (5) This section does not apply to:

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

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

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

10 **SECTION 2. The amendments to ORS 343.161 by section 1 of this 2019 Act apply to stu-**
11 **dents placed on an abbreviated school day program on or after the effective date of this 2019**
12 **Act.**

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