

OREGON PASSES A NEW LAW THAT HELPS STUDENTS WHO HAVE NOT BEEN ALLOWED TO ATTEND FULL DAYS OF SCHOOL BECAUSE OF BEHAVIOR

On July 1, 2017, a new law went into effect that gives students with disabilities in Oregon new rights. SB 263ⁱ provides parents of students with disabilities^{ii iii} with tools to ensure that their children receive the services to which they are entitled.

Under the new law, a district cannot shorten your child's school day without your consent unless it meets certain requirements. Those requirements are designed to ensure that shortened school days^{iv} are not imposed on children with disabilities who can attend full days of school safely if provided with proper behavioral supports.

Below are key aspects of the new law.

YOUR CHILD'S RIGHTS UNDER SB 263

First, the district must convene an IEP meeting and formally make the decision that your child cannot be successfully educated in any other way. This means that it cannot shorten your child's school day without your consent unless your child has been found eligible for special education **and** has been provided with an IEP that is based on your child's unique and individualized needs.^v

At any IEP meeting where a short school day is considered, the district must allow you to meaningfully participate in the decision and provide you with a written explanation of your rights under the new law.^{vi} This means more than a meeting where your ideas about the length of your child's school day are dismissed as unrealistic or impossible for such reasons as "we don't offer that here." Instead, the district must seriously consider suggestions that you bring to the table and thoughtfully try to address any concerns that you raise.

During such a meeting, the district must also consider, discuss, and document at least one placement option that would allow your child to attend a full school day by providing additional supports and services.^{vii}

If all of the above conditions and limitations are met, the district must also provide you with following written information at least once during each school term^{viii} for as long as it continues to shorten your child's school day:

- a. That the district is prohibited from placing your child in a shortened school day program over your objections unless it meets the other requirements of the law^{ix}
- b. That your child is presumed to have the right to receive a full school day program^x
- c. That you have the right to request an IEP meeting at any time to reconsider whether it is appropriate to continue a shortened school day program^{xi}
- d. That your child's IEP contains a written explanation of the reasons for deciding to shorten your child's school day^{xii}

When the district provides you with the above written information, it must obtain your written acknowledgement that you have received the information.^{xiii} This means, for instance, that the district cannot mail you the information and assume that you have received and understood it.

Parents who have additional questions that have not been sufficiently answered by the district's explanation of their rights under SB 263 should contact Families and Community Together (F.A.C. T.) at (503) 786-6020 or Disability Rights Oregon at 503 243 2081.

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- ⁱ The new law will be referred to as Senate Bill 263 until it is designated as an Oregon Revised Statute.
- ⁱⁱ The law does not affect students whose parents have chosen to home school them or students who have reached age 18 in situations where parent and student have agreed to a shortened school day.
- ⁱⁱⁱ The law does not affect some students who have violated district violations which subject them to suspension, expulsion, or other forms of school removal. However, other state and federal special education laws provide many protections, such as a manifestation determination, before discipline can be imposed on children with disabilities
- ^{iv} A reduced or **shortened school day** is the same as an abbreviated school day which the statute defines as “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.” An abbreviated or **shortened school day program** is defined as “an education program in which a school district restricts a student’s access to hours of instruction or education services” and “results in the student having an abbreviated school day for more than 10 school days per year.”
- ^v “A school district may provide an abbreviated school day program to a student only if the student’s individualized education program team: (a) determines that the student should be placed on an abbreviated school day program (A) Based on the student’s needs;
- ^{vi} “and (B) After the opportunity for the student’s parents to meaningfully participate in a meeting to discuss placement...”
- ^{vii} “...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.”
- ^{viii} “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 of the student:”
- ^{ix} “(A) The school district’s duty to comply with the requirements of this section [4]”
- ^x “(C) The student’s presumptive right to receive the same number of hours of instruction or educational services as other students in the same grade within the same school...”
- ^{xi} “...and the 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.”
- ^{xii} “(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.”
- ^{xiii} “(b) Obtain a signed acknowledgment from the parent of the student that the parent received the information described in paragraph (a) of this subsection [(C)]”