**Executive Numbered Memo 001-2023-24
Senate Bill 819 – Pivotal Legislation Signed into Law**

**To:** Superintendents, Principals, Charter School Leaders, Curriculum Directors, Special Education Directors, Business Managers, 504 Coordinators and Case Managers **From:** Dr. Charlene Williams, Director of Oregon Department of Education **Date:**July 14, 2023 **Re:**Senate Bill 819 - Pivotal Legislation Signed into Law

Dear Superintendents and Administrators,

We are pleased to announce the passage of [Senate Bill 819](https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB819/Enrolled), **pivotal legislation aimed at enhancing the education of students experiencing disabilities.** The Oregon Legislature passed SB 819 (2023) on June 24, 2023 and Governor Kotek signed it into law on July 13, 2023. SB 819 went into effect upon being signed.

**Overview**

This bill introduces significant changes to the operation and regulation of abbreviated school day programs, in order to ensure meaningful access to education for all students. Requirements related to abbreviated school day program placements emphasize meaningful access to education, require informed and written parent consent before program placement, mandate regular Individualized Education Program (IEP) Team or 504 Team meetings, and increase accountability for compliance through prescribed enforcement measures. This legislation underscores our commitment to ensuring that all students, including those experiencing disabilities, have equitable access to education.

**Key changes introduced by the passage of SB 819 include:**

* **Meaningful Access:** The law emphasizes the right of students with disabilities to have meaningful access to the same number of instructional hours or educational services as the majority of students in the same grade in the student’s resident school district. This is reflected in the definition of an “abbreviated school day” and “abbreviated school day program”.
* **Updated Definitions:** The bill clarifies some existing definitions and provides definitions for new terms that impact abbreviated school day program placements. For instance, SB 819 changed the reference from “same school” to “resident school district”, broadening the scope of comparison for instructional hours or educational services. It also updated the definition of “student with a disability” to include students eligible under Section 504 of the Rehabilitation Act and those currently being evaluated for eligibility for special education or a 504 Plan.
* **Informed and Written Parent Consent:** Before placing a student on an abbreviated school day program, **schools must now obtain informed and written consent from a parent or foster parent**.
	+ If a parent or foster parent of a student who was placed on an abbreviated school day program prior to SB 819 taking effect does not revoke consent or make a written objection to an abbreviated school day program placement that occurred before the effective date of this Act, the school district is not required to retroactively obtain informed and written consent from the parent or foster parent.
	+ Any students who are newly placed on or newly considered to be placed on an abbreviated school day program due to the updated definitions in SB 819 must meet applicable requirements, including informed and written consent.
* **Regular IEP or 504 Meetings:** The Act mandates that the student’s IEP or 504 team shall meet not fewer than 25 calendar days and not more than 35 calendar days after the first day of the student’s placement on an abbreviated school day program to review the placement. After this first review meeting, the IEP or 504 team shall meet at least every 30 calendar days, unless the parent or foster parent provides written consent for an alternate schedule.
* **Increased Accountability and Enforcement:** ODE has authority to investigate complaints, order corrective action, and withhold funding from noncompliant districts. If the school district fails to comply with an order to restore meaningful access for a student within five school days, the school district may be found nonstandard under ORS.

**What to Do Right Now**

* **Understand the Bill:** Deeply familiarize yourself with the details of [Senate Bill 819 (Enrolled)](https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB819/Enrolled). Understanding the legislation is the first step in ensuring compliance.
* **Notification Letter:** No later than 14 calendar days after the effective date [July 13, 2023] of this 2023 Act**,** school districts are required to send a written notice to the parent or foster parent of a student with a disability who (1) was on an abbreviated school day program at the end of the 2022-23 school year, or (2) had an abbreviated school day for 30 or more days during that school year. The notice must inform the parent or foster parent about the changes made by sections 1 to 6 of this Act by July 27, 2023**.** ODE has developed a sample letter that school districts can use or adapt. A sample letter is available [here](https://www.oregon.gov/ode/students-and-family/SpecialEducation/Documents/abbreviatedday/sb819sampleletter.docx).
* **Compliance with New Rules:** Moving forward, school districts must ensure that they are in compliance with the new rules and regulations set forth in the Act, including the requirement for informed and written parent consent before placing a student in an abbreviated program, and the provision of 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.
* **Plan for Changes:** Develop a plan for implementing the changes required by SB 819. This may include adjusting the existing abbreviated school day programs for individual students, reevaluating individual student placements, and ensuring that educational services are provided equitably for all students.
* **Monitor Compliance:** Establish a system for monitoring compliance with the new legislation.
* **Seek Legal Counsel:** If you have any questions about the legal implications of SB 819, consider seeking advice from legal counsel. ODE cannot and does not provide legal advice.

**Support**

ODE is developing resources and support tools for school districts to use in implementing SB 819. ODE is also working on an updated website related to implementation of SB 819. This page will be designed to be a one-stop resource for all information you will need to implement SB 819.

ODE has also established an email, ODE.SB819Questions@ode.oregon.gov, as a general email inbox where you can ask any questions about SB 819. Please let us know if you have any questions or need support. In addition to that, ODE is working to update its guidance to reflect the passage of SB 819. We will post that guidance as soon as possible and share with you when it is available.

SB 819 introduces significant new requirements that school districts must meet related to the use of abbreviated school day programs. We know each of you are working as hard as you can to understand the impacts of SB 819’s passage and begin implementing it in your school or district, and we are grateful for your efforts.