

DRO Creating Change

Frequently Asked Questions About SB 819

Senate Bill 819 (SB 819) became effective on July 13, 2023 and there are a lot of details to cover. Disability Rights Oregon produced this FAQ to help you navigate the new law on behalf of your child.

What happens now that SB 819 has passed?

If your child has received a shortened or abbreviated school day for more than 10 days during the prior school year — or if your district has told you that it plans to provide a shortened day during the coming school year — **it must contact you in writing by July 27, 2023 to inform you of your rights under the new law.** In that notice, the district must also:

1. Provide specific information about how you can notify the district if you revoke or refuse to provide consent to a shortened school day at any time
2. Provide specific information about how to contact the correct person at the Oregon Department of Education (ODE), if you believe that the district is violating the requirements of SB 819

If you have not received a notice about your child's rights under the new law by July 27, 2023, you can contact your district's Special Education Director. [Download a sample letter to send to your school district \(.docx\)](#) >

Do these rules already apply to the upcoming 2023-2024 school year?

During the 2023-2024 school year only, if the district was planning a shortened school day, that will go ahead as planned, unless you revoke consent at least 14 days before the first day of school. The district, however, will be still required to return your child to a full school day within 5 days, if you revoke consent to a shortened school day at any time during this or any school year.

After the 2023-24 school year, the district must return your child to a full school day on the first day of a new school year, if it does not have your written consent to a shortened school day.

Is your child covered by SB 819 if not officially on a shortened school day?

Yes. As long as your child has a disability and has received a shorter school day than the other children in the same grade for more than 10 days during a school year, your child is covered by SB 819.

Shortened school days may include situations when a district provides less than a full day of home instruction or sends your child home multiple times a week because of behavior or “having a bad day.”

What happens if you do revoke consent or refuse to provide consent to a shortened school day?

Under most circumstances, the district has five days to return your child to a full school day after being notified (in writing) that you do not consent to a shortened day.

If you revoke consent to a shortened school day during the summer and at least 14 days before the beginning of the new school year, the district must provide a full school day on the first day of school. SB 819 does not apply to a few situations such as dangerous rule violations involving drugs, weapons and serious injury.

What happens if the district fails to meet the five-day deadline?

1. The district begins to owe your child one hour of compensatory education, which can come in many forms, for every two hours of education that it failed to provide after the deadline.

This instruction could be the special education or related services and other supports that are listed on a student’s IEP – such as make up hours of counseling, speech therapy, occupational therapy or physical therapy. Or, it could take the form of some other service that would restore the student to where they would have been, if provided with resources listed in their IEP. The district does not have the right to insist on a particular schedule or method of providing compensatory education, if that does not meet the educational needs of your child.

As an example of how this works, consider the following situation:

- In your district, a full school day is six hours long for children in the same grade

- After the five-day deadline, it takes the district eight extra days to return your child to a full day
 - During each of those eight extra days past the deadline, the district provided only two hours of education. Your child has missed 32 hours of education after the five-day deadline (8 days X 4 hours missed each day = 32 missed hours)
 - The district owes your child 16 hours of compensatory education (one hour for every two missed)
2. You can contact the Oregon Department of Education at ODE.SB819Questions@ode.oregon.gov to notify them that your child is not being provided a full day of school within the five-day deadline. Within two business days, ODE will then notify the district that it is presumed to be in violation of the law and order the district to return your child to a full day within five school days. You do not need to file a written formal complaint (although that is an option if you choose to do so).
 3. ODE must then investigate. If it confirms that the district has violated the law for more than 10 days, it will begin to withhold state funding from the district according to a formula.
 4. The district superintendent may also be subject to discipline by Oregon's Teacher Standards and Practices Association.

If you revoke or refuse to provide consent to a shortened school day, what happens if your district says that it will not be able find the staff or money needed to do what is required on the IEP?

SB 819 does not allow the district to insist on a shortened school day over your objections because of problems such as staffing, budgets or staff convenience. The district cannot insist that you provide a reason or justify your decision.

Other laws, however, require the district to provide a Free and Appropriate Public Education in a safe learning environment. For those reasons, the district may choose to continue shortened school days until it can find additional staff, conduct training, or do something else to make it possible for your child to receive a positive full day of school. If that happens, regardless of the reason, the district is violating SB 819 and will owe compensatory education to your child.

Does anything change if you do agree to a shortened school day because you sincerely believe it to be what is best for your child?

Yes. Even if you and the district agree that a shortened school day makes sense for your child, the district must now hold an IEP meeting every 30 days to review whether there is reason to continue the shortened day or change services to speed up a return to a full day. SB 819 allows the district to hold IEP meetings less frequently if you agree (in writing), but there must be a meeting at least every 90 days. 504 meetings to review shortened school days are required only once per school year.

Also, if your child receives a shortened school day for more than 90 total days during a school year — or receives 90 total shortened days during any two back-to-back school years (not counting summer vacation) — the district superintendent must investigate whether the district has met all of the requirements of SB 819. If the decision is that the district has not met the requirements, the superintendent must explain and send the reasons in writing to you. If the decision is that the district has not met the requirements of the law, the superintendent must order the district to return your child to a full day of school within five days.

As the parent of a child on an IEP or 504 plan, you have always had the right to request a meeting, but you may have been frustrated with long delays while the district took weeks or months to make arrangements. SB 819 eliminates those sorts of long delays. If your child is not receiving full school days, the district is now required to arrange an IEP or 504 meeting within 14 calendar days of your request.

What can you do if the district agrees to return your child to a full day of school, but suggests that doing so may subject your child to discipline, bullying, less support, or other negative outcomes?

This should not happen because other laws require the district to require a Free and Appropriate Public Education in the least restrictive environment. If you do face such a situation, however, you may be facing something like blackmail in which a district suggests that if you insist on your child's right to a full day, it will go badly. If this happens, you should keep a good record of such statements and consider seeking advice about whether it may be time to pursue mediation, file a complaint, or seek legal representation.

Get More Information from the Oregon Department of Education

Download a Sample Letter to Send to Your School District (.docx)

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