|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Student:  |  |  | Date: |  |
| Student DOB:  |  |  | Resident District: |  |
| Student Grade: |  |  | Resident School: |  |
| Parent(s) Name: |  |  | Attending School: |  |
| Eligibility | [ ]  Eligible due to Child Find | [ ]  Eligible under IDEA | [ ]  Eligible due Section 504 |

**Required Ninety *Calendar* Day Review of Placement** *(To be completed by the School District Superintendent)*

The school district superintendent must review a student’s placement on an abbreviated school day program if the student is placed on an abbreviated school day program for ninety or more cumulative ***calendar days*** during a school year or placed on an abbreviated school day program for ninety or more cumulative calendar days, excluding summer break, when the student is placed on an abbreviated school day program during two or more consecutive school years. Any findings or documentation resulting from this review must be provided, within five ***school*** ***days*** of making the finding, to the student’s parent or foster parent in a language and format accessible to the parent or foster parent.

*For the purposes of this review, if the Student is in Grades 9-12 and is not expected to graduate on time with a high school diploma, a modified diploma, or an extended diploma, address the following questions.*

1. Describe the student’s progress toward on-time graduation with a high school diploma, a modified diploma, or an extended diploma.

1. What is the plan for credit recovery and comprehensive services, including compensatory services, that is being implemented to ensure the student’s on-time graduation with a high school diploma, a modified diploma, or an extended diploma?

*Select one of the following after reviewing the student’s placement:*

* **Based on my review, I find that this placement is compliant with state and federal law.** The school district has taken the following efforts to facilitate the student’s meaningful access to the same number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district:

I also note the following specific barriers that prevent this student’s meaningful access:

* **Based on my review, I find that this placement is not compliant with state and federal law.**

By signing below, I verify that the above is a truthful, complete, and accurate reflection of the results of my review.

If I found that the placement was not compliant with state and federal law, I will ensure that, within five (5) school days of making this finding, unless an extension has been allowed as provided under SB 819, the student has meaningful access to the same number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district (or other appropriate comparison group). I understand that I will need to work with the student’s IEP or 504 team to ensure this happens, and that the team may need to meet to review and revise the student’s IEP or 504 plan.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **Superintendent Name (Printed)** |  | **Superintendent Signature** |  | **Date** |

**Instructions for Conducting the Review:**

SB 819 introduced a Superintendent Review process as a required component for some abbreviated school day programs. The review is triggered once a student’s abbreviated school day placement reaches 90 cumulative ***calendar days*** over two or more consecutive school years when counting all calendar days on which the student is placed on an abbreviated day program, including weekends, holidays, and school breaks – except summer break. Once 90 cumulative calendar days has been reached, the superintendent’s review process for a student’s placement on an abbreviated school day program under SB 819 should be thorough, objective, and student-centered. Here are some steps the superintendent might take:

1. **Review the Student’s Records:** The superintendent should start by reviewing the student’s academic records, including any Individualized Education Program (IEP) or 504 Plan, and any other relevant documentation. This includes the student’s progress reports, behavioral records, and any assessments or evaluations.
2. **Consult with Relevant Staff:** The superintendent should consult with the student’s teachers and any other staff members who work directly with the student, as relevant. These individuals can provide valuable insights into the student’s academic progress, behavior, and needs.
3. **Consider the Student’s Unique Needs:** The superintendent should consider the unique needs of the student, including their academic, social, emotional, and physical needs. The goal is to ensure that the student has meaningful access to the same number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district.
4. **Evaluate Compliance with Laws:** The superintendent must evaluate whether the student’s placement complies with state and federal laws, including SB 819, the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act. This includes ensuring that the student’s parent or foster parent has voluntarily given informed and written consent for the abbreviated school day program.
5. **Document Findings:** The superintendent should document their findings in a clear and detailed manner. If they find that the placement is not compliant with state and federal laws, they must specify the reasons for this finding and outline the steps that will be taken to ensure compliance.
6. **Communicate with Parents or Foster Parents:** The superintendent must provide the parents or foster parents with the findings of the review within five school days. This information is to be provided in a language and format that is accessible to the parents or foster parents.
7. **Follow-Up:** If the superintendent finds that the placement is not compliant with state and federal laws, they must ensure that the student is provided with meaningful access to the same number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district within five (5) school days of making this finding, unless an extension has been allowed as provided under SB 819. The Superintendent will need to work with the student’s IEP or 504 team to ensure this occurs, and it may involve the review and revision of the student’s IEP or 504 Plan.

Remember, the goal of this review process is to ensure that the student’s rights are being upheld and that they are receiving an appropriate education that meets their unique needs, within a full school day if possible.

**Instructions for Using the Superintendent Review: Placement on an Abbreviated School Day Program Sample Form**

ODE intends this sample form as a support for school districts implementation of SB 819, related to the Act’s requirements for a school district Superintendent to review abbreviated school day program placements. This specific form is designed to support school district’s implementation of Section 4 (3) (a) of SB 819, which requires that:

The school district superintendent must review a student’s abbreviated school day program placement if the student is placed on an abbreviated school day program for: (A) Ninety or more cumulative calendar days during a school year; or (B) Ninety or more cumulative calendar days, excluding summer break, when the student is placed on an abbreviated school day program during two or more consecutive school years.

ODE suggests using the **Superintendent Review: Placement on an Abbreviated School Day Program** sample form for that purpose.

While ODE’s sample forms aim to support effective implementation of SB 819, no form alone ensures compliance with legal requirements or enables effective implementation. Accordingly, school districts should seek legal counsel as appropriate in order to ensure compliance with all state and federal laws, including SB 819, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA).

Please follow the steps below to complete the form:

1. **Student Information:** Fill in the student’s name, date of birth, grade, and the names of the student’s parents or foster parents. Also, provide the name of the resident district and school, as well as the school the student is currently attending.
2. **Eligibility:** Check the appropriate box to indicate whether the student is eligible under IDEA, Section 504, or due to Child Find.
3. **Required Ninety *Calendar* Day Review of Placement:** This section must be completed by the School District Superintendent. The superintendent is required to review a student’s placement on an abbreviated school day program if the student is placed on such a program for ninety or more cumulative ***calendar days*** during a school year or placed on an abbreviated school day program for ninety or more cumulative calendar days, excluding summer break, when the student is placed on an abbreviated school day program during two or more consecutive school years. Any findings or documentation resulting from this review must be provided, within five school days of making the finding, to the student’s parent or foster parent in a language and format accessible to the parent or foster parent.
4. **If the Student is in Grades 9-12 and is not expected to graduate on time with a high school diploma, a modified diploma, or an extended diploma:** Address the questions provided in this section.
5. **Superintendent’s Review and Signature:** The superintendent must select one of the provided options after reviewing the student’s placement, provide a detailed explanation, and sign the form. If the superintendent finds that the placement is not compliant with state and federal law, they must ensure that the student has meaningful access to the same number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district (or other appropriate comparison group) within five (5) school days of making this finding, unless an extension has been allowed as provided under SB 819.

Please remember that this is a sample form provided by ODE for reference. School districts may use this form or develop their own form that enables the district to meet the requirements of all state and federal laws, including the ADA, Section 504 of the Rehabilitation Act, and the IDEA. ODE recommends that school districts seek legal counsel in establishing implementation and documentation procedures related to SB 819 to ensure implementation in a manner that meets state and federal requirements consistent with local context.

**Disclaimer:** This document is a sample form provided by the Oregon Department of Education (ODE) as a reference tool to assist school districts in implementing the requirements of Senate Bill 819. Its use is not mandatory. School districts may choose to use this form, develop their own, or adapt it to their specific needs to ensure compliance with all state and federal laws, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). ODE strongly recommends that school districts seek legal counsel when establishing implementation and documentation procedures related to SB 819 to ensure they are implemented in a manner that meets state and federal requirements consistent with local context.