

The implementation of SB 819 (2023) will ensure all students with disabilities have meaningful access to a full school day. A critical aspect of this law is the requirement for informed and written consent from parents or foster parents prior to implementing an abbreviated school day program. Regular follow-up meetings are also mandated to reassess the necessity of such a program, with the school district seeking informed and written consent anew at each IEP or 504 team meeting.

However, challenges may arise when parents are unable to attend these meetings, hindering the ability to obtain consent. This guidance aims to clarify the procedures and responsibilities in such scenarios.

Key Requirements Under SB 819

- **Informed and Written Consent:** Parents or foster parents must provide informed and written consent for placement on an abbreviated school day program.
- **Parental Participation:** If a parent does not attend a meeting where this placement is discussed, immediate action is required as the necessary consent cannot be obtained.
 - **Seek Consent:** The school district can work with the parent or foster parent following the meeting to seek informed and written consent. If consent is obtained within five school days, the student can continue with the abbreviated school day program placement.
 - **Meaningful Access:** Without parental consent, the school district must restore the child to meaningful access to a full school day within five school days following the meeting.

Practical Steps for School Districts

- **Attempt to Engage the Parent:** Make multiple attempts to engage the parent through various means, documenting all efforts.
- **Provide Clear Information:** Ensure that parents understand the importance of the meeting, their attendance, participation, and consideration of consent. Inform them that the student will be restored to a full school day without their consent.
- **Implement Restoration if Necessary:** If unable to obtain informed and written consent within five school days, ensure the student has meaningful access to a full school day.
- **Ongoing Communication:** Continue to engage with the parent for future changes, emphasizing collaboration and open communication.
- **Legal Compliance:** Adhere to all legal requirements and consult with legal counsel as needed to ensure compliance with SB 819 and other applicable laws.

The absence of a parent from meetings related to placement on an abbreviated school day program presents a complex challenge requiring careful navigation. The principles of SB 819, coupled with a commitment to the child's well-being, must guide school districts' actions.

In accordance with the obligations set forth under the Individuals with Disabilities Education Act (IDEA), there may arise circumstances where the Local Education Agency (LEA) must convene the IEP team to evaluate the viability of current placement options in the context of providing instruction within a general education environment. While school districts must make diligent and appropriate efforts to ensure meaningful parental involvement, there may be situations where, despite the school district's attempts to secure parental attendance, the IEP team may need to proceed with the meeting in the absence of the parent. Such a decision should never be taken lightly and must be accompanied by comprehensive documentation of all efforts made to include the parent. The school district should document a clear rationale for proceeding without parental participation.

For specific questions or further assistance with implementing SB 819 in this context, please reach out to ODE.SB819Questions@ode.oregon.gov.