



Senate Bill 1558: Strategic Exemptions to Enhance Education Equity

AGENDA

- Review Senate Bill 1558 (2024)
 - Two new exemptions to Senate Bill 819 (2023)
 - (1) On track to graduate; and
 - (2) Asynchronous instruction

SB 1558: An Overview

- SB 1558 provides additional specificity related to requirements for the use of Abbreviated School Day Programs (ASDP) for students with disabilities, including those on Section 504 Plans
- Under SB 819, ASDP requirements are applied to students with disabilities based on the specifics of their educational programs and/or circumstances, with limited exceptions and exemptions
- SB 1558 updates the requirements related to ASDPs for certain students

Specific SB 1558 Changes

On Track to Graduate

Students with disabilities who are in 11th or 12th grade, who are on track to graduate with a standard diploma (including modified diplomas) within four years of starting 9th grade or by the end of the current school year, and who voluntarily do not schedule a class for one or more class periods.

Asynchronous Instruction

Students with disabilities who receive asynchronous instruction for NO MORE than one class per term or semester, when that one asynchronous course meets specific criteria. SB 819's requirements for placement on an ASDP still apply to asynchronous instruction that does not meet ALL specified criteria.



A Closer Look

On Track to Graduate

On Track to Graduate

SB 1558 adds a new exemption from the requirements of SB 819 when a student with a disability voluntarily does not schedule a class for one or more class periods if:

- (a) In grade 11 or 12 and is on track to fulfill all state requirements for graduation with a high school diploma, or a modified diploma, within four years of starting grade 9;

OR

- (b) The student is on track to graduate with a high school diploma or modified diploma by the end of the current school year.

On Track to Graduate

When a student meets one or both of these criteria, ***the student is no longer considered to be on an ASDP for purposes of SB 819*** even if they have meaningful access to fewer hours of instruction and educational services as compared to the majority of students in their appropriate comparison group.

School districts should regularly review each eligible student's circumstances when these exemptions may apply, **especially when a schedule change occurs**, to make appropriate fact-specific determinations

As schedules and **circumstances change over the course of a school year**, whether a student with a disability meets these criteria for exemption may also change

Definitions of Synchronous and Asynchronous

Synchronous Instruction

Synchronous instruction and educational services mean simultaneous interactions between a qualified licensed teacher, or qualified staff under the direct supervision of a qualified licensed teacher, at the same time, either in person or through the use of an interactive technology. This may include audio only, video only, or audio and video. Key to the definition of synchronous is the opportunity for interaction between the staff and the student that occurs in or near real time, allowing for feedback and adjustments.

Asynchronous Instruction

Asynchronous instruction and educational services are flexible non-simultaneous approaches using audio, video, and learning platforms. Key to the definition of asynchronous is that there is limited or no opportunity for interaction between the staff and the student that occurs in or near real time.

Asynchronous Instruction

SB 819

- Meaningful access to instruction and educational services for a student with a disability had to be synchronous (i.e., simultaneous interactions between a qualified licensed teacher or qualified staff member under the direct supervision of a qualified licensed teacher), unless they were provided by a virtual public charter school that operates in compliance with ORS chapter 338
- School districts had to carefully consider whether students with disabilities who received asynchronous instruction (i.e., limited or no interaction) were receiving meaningful access based on that instruction
- If that determination concluded that a student with a disability was receiving fewer hours of meaningful access than the majority of students in their appropriate comparison group, the student with a disability was placed on an ASDP and the provisions of SB 819 applied

Asynchronous Instruction

SB 1558 exempts from SB 819's requirements certain students who receive asynchronous instruction. In order to qualify for this exemption, the asynchronous instruction must meet **all five** of the criteria below:

The instruction is only for one class per term/ semester

1

The instruction satisfies a credit requirement for a high school diploma or modified diploma

2

The instruction is a credit recovery class or is a class not otherwise available to the student

3

The instruction is offered to students on a voluntary basis and is not restricted to only students with disabilities

4

The instruction is accessible to a student while the student is in school and while staff of the school are immediately available to the student

5

Asynchronous Instruction

- When **all five** of these criteria are met, districts may consider those students exempt from the requirements of SB 819 *as they relate to the single asynchronous course*
- School districts MAY NOT consider those students exempt from the requirements of SB 819 if:
 - Any of the five criteria are not met
 - The student is otherwise subject to the requirements of SB 819 (e.g., student is not on track to graduate and has a period in which no class is scheduled in addition to an asynchronous course)
- School districts may want to seek legal advice for individual circumstances to ensure compliance with all federal and state requirements



Next Steps for School Districts

Apply Changes per SB 1558

School districts should consider the following recommendations:

- Review ODE's Guidance Documents
- Assess the individual impact of SB 1558 on each student on a Section 504 Plan who is on an ASDP; for some students, they will no longer be considered on an Abbreviated School Day Program
- Carefully review each student's circumstances to make that fact-specific determination

Identify and Adjust Student Programs

- School districts should determine which students are no longer subject to SB 819's requirements and ensure an appropriate program is in effect for each of these students
- School districts should reconvene the 504 team for individual students to ensure their educational program enables the provision of a free appropriate public education (FAPE) as required by federal and state law

As these exemptions increase school district flexibility related to the use of ASDP's, school districts should carefully consider when review and revision of student programs are immediately necessary and when such review and revision can be implemented consistently with the review meeting cadence already required by SB 819

Update Data Collection

- If the team determines that the student is exempt from the requirements of SB 819 due to the additional exemptions included in SB 1558, or as otherwise appropriate in light of the student's individual circumstances, district data coordinators must update the Abbreviated Day collection to reflect the appropriate "Abbreviated School Day Program End Date."
- Unless other circumstances apply that would change the date, the ASDP End Date would be the date that the student's 504 team determines that the exemption from SB 819's requirements granted by SB 1558 applies to the student.

An Example

Q: The student is on track to graduate in June 2025, has a free class period, and would no longer be considered on an ASDP now according to SB 1558. The team is conducting a review meeting in September. Do we need to meet sooner?

A: No. There is no requirement to discontinue the ASDP urgently, unless the team would like to do so. If the team already has a meeting scheduled in September, it could be appropriate to wait to meet until then.

Further Guidance Available

Updated guidance is available on [ODE's SB 819 website](#)

- [Changes to Abbreviated School Day Programs: New Exemptions under SB 1558](#)
- [Steps to Consider: SB 819 & SB 1558 Requirements](#)

ODE is working on reviewing all guidance for an anticipated update by July 2024



Questions?



Contact Information

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