

Members of the Education Committee:

There is an adage in business that "facts tell and stories sell". At the hearing about HB 2755 on Friday the committee heard 50 minutes of testimony from a number of students who had stories to tell about what wonderful things have been accomplished since the Oregon School for the Blind was closed. Only nine minutes were devoted to testimony to the contrary. The problem with what happened on Friday is that in order to believe that things are going well a lot of facts must be ignored. I wish I had a better story to tell. Unfortunately, I am a witness to what really happened and I hope you will give the following facts a little more of your time before you make a decision on this very important piece of legislation.

The first to testify on Friday was Julie York from the ODE. She shared the following facts:

In the first year of the BVIS fund's existence the NWRES D focused on the transition of the former students from the OSB. No programs were held during the school year, but nine students participated in summer programs paid for from the BVIS fund.

In the second year they established a biennial plan to offer services and the number of students who received benefit from the fund increased to 51.

Now, please consider what these facts mean without the backdrop of the wonderful stories you heard from the handful of students who testified. Please keep in mind, every one of the students who testified was accompanied by a teacher from a regional education service district, the Commission for the Blind or another entity that received financial support from the BVIS fund. No parent came independent of these professionals who were paid with taxpayer money to be there and to testify to you that things are going so well that nothing needs to change.

First, the entire year that the ODE took to "transition" the former students of the OSB was in violation of the law. The law states that the transition plans had to be implemented by August of 2009. The former case managers of the OSB, of which I was one, carried out that responsibility in July of 2009, after we had been laid off by the ODE and then brought back because they had forgotten about that requirement.

Ms. York stated they dispersed equipment from the OSB over the course of that entire year. Some of you had toured the OSB before it was closed. The equipment was outdated and in disrepair. Hundreds of thousands of dollars in salaries was spent to send CCTVs that are the size of an old console television to the students' schools when an iPad synched with a flat screen computer in the school's computer lab could have done far better. Manual Braille type-writers (Perkins Brailers) were sent in for repair, when a refreshable Braille display (as you saw used by one of the students on Friday) synched with a laptop using blue tooth technology would replace this 70 year old piece of equipment.

The Commission for the Blind employee testified that there is a central production facility for producing materials in Braille being developed in the state. This has been the standard method of operation for years. What is needed is a personal embosser at each school where a student can receive documents in real time, instead of waiting for upwards of a week to get materials in Braille.

When Representative Gelser spoke on the day of the vote to close the school she stated critics were saying there was no plan, but she countered by stating "this is a good bill with a good plan". You

heard Ms. York state (and I have proof of this in an email from her), there was no plan during the first two years after the closure.

51 students received benefit of services during the second year, according to Ms. York. The summer programs that were held were offered in Salem and in Portland. The law states services must be offered in the school districts where the students reside. Before the closure of the school the OSB offered a number of summer camps in a variety of academic areas (creative enrichment, sports, technology, outdoor hiking/camping, etc.). The fact that after the school closure the ODE offered summer programs for nine students and later 51 the next year is in no way an "enhancement" of what was done before.

Representative Huffman stated he wasn't aware that the law was intended to improve services at the local level. I ask you to please research this contention. If things weren't supposed to get better at the local level, why did you close the school? The law states the BVIS fund would be used to "assist students", "supplement funds", "ensure access"... Representative Gelser stated the fund would be used to "improve services in every single school district in the state." She said the law would "preserve and re-deploy these resources from the benefit of 31 students to benefit more than 850 students across the State of Oregon." When the school was closed and 25 students or so were sent back to the local school districts, not one new teacher was hired to help with the additional load at the local level. Sending 25 students back to their local schools, each of whom were to receive the "same level, frequency, and type" of education, would have required increasing the number of personnel assigned to work with blind and low vision students at local schools. Since no new teachers were hired, then it is obvious students state-wide received, on average, less assistance from qualified teachers.

The Commission employee stated how well things went with the Summer Work Experience Program. That has been offered since the 90s. It is offered in Portland and Salem. Using the BVIS fund to pay for this is against the law. The law states the fund may not be used to supplant any existing service "from any other source". The BVIS fund must also be used locally. Portland and Salem are hardly "local" to many of the students in Oregon.

When you consider changing the law to allow the fund to be used to pay to send students to Washington or any other state school for the blind, please consider that the ODE has sent a number of students over the last four years at a cost of \$75,000 per student per year. Why did they choose to do this instead of using those funds to improve services at the local level? Again, no employees were hired at the local level to help "ensure access to the expanded core curriculum." Where were the parents of the former students of the OSB on Friday? Why didn't the OSB and the regional programs bring them to testify? The answer should come from those parents along with the handful of high functioning, academic, charming students the ESDs paraded in front of you at the hearing.

One of those former OSB students was on my case load. He was given 360 minutes per year of services. The law said he would receive the "same level, frequency and type" of education he received at the OSB. When I attempted to schedule a meeting to discuss improving this I was reprimanded. I was reprimanded for several other attempts to help students receive appropriate services. I hate to mention the trial that resulted, but it lasted five days and 2800 pages of discovery were offered by the NWRESA. The evidence was overwhelming. Please give this jury verdict some weight as you consider the reliability of those who are offering testimony before the committee.

You heard from a few students and a full admission from the ODE that they only served about 50 students with the BVIS fund each year. Where were the other 800 students? Did the NWRESD and the ODE ask those parents how happy they were with the services offered?

You must already know that after the closure of the school several parents of former OSB students instigated legal action against their local schools. This resulted in several of them going to the WSSB. This would be fine as long as the tuition was paid for by the local districts. Instead, the money was taken from the BVIS fund. Can you name another time in Oregon's history when a law was passed, the government entity in charge of administering the services according to that law decides to break the law for four years, lobbies to change the law to fit what they intend to do anyway, then pays employees to come and tell the legislature why they should be allowed to continue to break the law? Why should any citizen of Oregon be expected to obey the laws you pass when our government employees can just convince you to change the laws they decide not to follow?

In 2011 the ODE recommended to the Governor's office that "no additional General Fund is needed for the Blind and Visually Impaired Student Fund". Where were the parents of the students you saw on Friday in 2011 asking why no more money was needed? The ODE couldn't prove they had spent even one dollar on a locally provided service that met the requirements of the law, but few parents even knew there was supposed to be any new services. It wasn't until I met with Representative Gelser in 2010 and after her inquiries about what they were spending the money on that the NWRESD even now they were supposed to provide services for more students than those who were at the OSB. On Friday they presented a few students who are hardly representative of the population to convince you they are doing a fine job.

As the proposed bill now reads, the ODE would take back control of the fund. The regional programs should not be left in charge. The advisory board shouldn't be stacked with more government-paid bureaucrats to shift the balance from the parents, community members and former students who would make up the board as the bill is proposed. The board should be an independent body. Government employees are hardly independent. As you heard on Friday, the teachers who brought their students to testify would like to have a greater say in how an advisory board oversees their activities.

During my testimony I mentioned an email I received that shows the reluctance of regional ESD employees to enhance services according to the law. It was sent to me by the chair of the Visually Impaired Working Group. It shows that rather than trying to provide enhanced services to students, employees were attempting to prevent the expenditure of funds by withholding information from parents:

"There was some discussion at your last meeting about Dr. Lowery trialing the iPad for our VI students. What is new on this front? The VIWG knows that the Oregon Lions would purchase the item for Dr. Lowery, but some were concerned that parents would then be compelled to ask the districts to purchase them for their children."

I hope you share the outrage I felt when I learned our teachers are more concerned about money than they are about providing effective instruction. We had over \$3 million sitting in a fund that the NWRESD didn't know they were supposed to use to help Oregon students, but heaven forbid we might tell parents about something that could help their children.

Please do not leave people in charge of the fund who want to prevent services from being offered to students. The committee should support HB 2755, but remove the clause that allows students to be sent out-of-state using the BVIS fund. Take control back from the NWRESD. Create an independent board to oversee what happens in the future. It is essential for the 800 students you didn't hear from on Friday.

Thank you,

Michael Wright