



Oregon House Education Committee Hearing

On March 2, 2015

Submitted by Kevin Hertel,

Special Education Teacher, Hillsboro School District

RE: HB 2673

Dear Chair Doherty and Members of the House Education Committee:

At its core, HB 2673 moves to expedite the timeline that a special education evaluation is completed under the guise that the sooner a student is determined eligible for special education services the better. Without hesitation, I agree with this core idea; the sooner interventions occur with a student, the better. HB 2673 fails to capture two critical components in the current educational system, though. First, special education is not the only intervention that has occurred or will occur with a student. Second, a special education evaluation is the process of identifying someone as having a disability; something that cannot be taken lightly.

1. Educators want nothing more than to see students succeed. When a student is not successful, it is an inherent value in the core of an educator to take steps to change that. This core value has led to systems of interventions being established throughout every school in this state. We strive to support students in being successful. This is not something unique to special education. Before a student is referred for an evaluation, numerous interventions occur. While a student is being evaluated, interventions continue to occur. The idea that 60 calendar days versus 60 school days is going to impact student success overlooks all of the interventions that occur prior to a parent providing consent for an evaluation. The 60 calendar days versus 60 school days also makes the assumption that special education is going to "fix" a student. Special education services make a tremendous difference in countless students' lives, but that difference is made with years of hard work on both the student's behalf, the school's behalf, and the parent's behalf; not over the span of a few weeks.
2. Under current law, Oregon has nine disability categories that a student can qualify for special education services and we are required to evaluate any of the nine disability categories that we suspect for an individual student. As an evaluation team, we are not simply working toward an intervention, we are working towards labeling a student as having a disability. The steps to this process need to be done with precision and careful consideration. The key component to being precise is time. The key component to careful consideration is having the necessary information to determine the presence of a disability. Rushing an evaluation will ultimately lead to failures in these two areas with an end result of students not being identified or students being misidentified as having a disability- mistakes that have a lifelong impact.

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My hope is that you can see the spirit of HB 2673 conflicts with the spirit of a special education evaluation. Special education is not an isolated intervention where the hopes a student's success solely rest. Interventions have been tried along the way and an evaluation is merely "the next step" of determining if a student's struggles are driven by a disability. Determining a disability is a process that we cannot take lightly and it is a process that takes time to execute ethically and accurately. HB 2673 does not ensure that evaluation teams are able to complete this process correctly.

If legislation is necessary to improve the process of a special education evaluation, then let the legislation include elements that consider all of the interventions that have already occurred and allow for quality evaluations to continue, not legislation that simply shortens a timeline.

Sincerely,

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