

February 17, 2015

Rep. Margaret Doherty
900 Court Street NE
H-490
Salem, OR 97301

Rep. Doherty:

I am writing to you to explain why the Beaverton School District opposes House Bill 2673, HB 2597, and Senate Bill 560. I would be happy to discuss these bills and the ramifications with you in person, but due to the timely nature of some of these initiatives, please accept this detailed letter in the meantime.

HB 2673 and SB 560

House Bill 2673 and Senate Bill 560 would unnecessarily adjust the timeline for the completion of a Special Education evaluation. The Individuals with Disabilities Education Act requires that an initial special education evaluation be completed within 60 school days of receiving parent consent. These bills will impose a timeframe that is less than the federal law requires at the cost of staff time dedicated to student instruction.

As a result of decreased state and federal funding we have experienced a decrease in the number of special education staff while experiencing an increase in the number of students requiring Special Education services. An adjustment in the number of days allowed to complete Special Education evaluations will result in our staff spending more time on assessment and less time working directly with our most vulnerable students.

A shorter evaluation timeline also means less time for staff to gather all the required documentation to determine if a student has a disability which can result in the Special Education staff not having all the information needed to determine Special Education eligibility resulting in a student not qualifying for Special Education due to lack of information.

HB 2597

Under federal and state special education law, a district only has the obligation to conduct an evaluation if the agency suspects or has reason to suspect: 1) the student has a disability that has an adverse impact on the student's educational performance and 2) the student may need special education services as a result of the disability. A team, not a single individual, must determine if a student should be evaluated for special education services. In addition, under federal and state special education law, only a team may determine whether a student meets eligibility criteria for one of the disabilities under special education law

District Goal: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

Not all students who are truant have a disability and need specially designed instruction. Moreover, a special education director does not have authority under state and federal law to determine whether a student should be evaluated and is eligible for special education services. Schools have policies and procedures to address the child find issues relating to truant students that are consistent with existing federal and state special education law.

In Beaverton School District there were 580 students during the 2013-14 school year that had an instance of truancy and were not eligible for Special Education services. If this bill were to pass, Special Education staff would need to redirect their time away from student instruction and spend more time on the evaluation of students who do not meet the all the criteria for a Special Education evaluation.

It is clear that as a state we must address the needs of students with disabilities and improve on outcomes for all of our students. However, reducing the timeline for Special Education evaluations and requiring all students who are truant receive an evaluation will only redirect staff time from their job of instructing students with disabilities. These bills will in fact have the opposite desired effect, as it will redirect services from instruction to assessment.

Respectfully,

A handwritten signature in cursive script, appearing to read "J. Rose".

Jeff Rose, Ed.D