



For House Education Committee Hearing on February 20, 2015

RE: HB 2597

Dear Chair Doherty and Members of the House Education Committee:

I am Danielle Sheldrake, the Executive Administrator for Student Services. The Beaverton School District serves about 39,000 students, including about 4,800 students with disabilities. We take our responsibilities toward our students and families seriously and agree that excessive absenteeism is a significant concern. During the 2013-14 school year, approximately 580 students who were not eligible for special education services had at least one instance of truancy. As a district we realize there is a correlation between student attendance and a student's ability to be college and career ready. We have established prevention and outreach procedures to reconnect with students who are not attending school.

Evaluation Determination

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. OAR 581-015-2105(3)(a). A team, not a single individual, must determine if a student should be evaluated for special education services. 34 CFR 300.305; OAR 581-015-2105(3)(b); OAR 581-015-2115 (1). 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. 34 CFR 300.306; OAR 581-015-2120(1).

It would substantially impact a school district to evaluate all students who are truant.

- (1) In order to evaluate all students with an instance of truancy, we would need to allocate a third more FTE to completing evaluations. We anticipate it would cost at least \$1,500,000 per year to conduct special education evaluations on every student who has been truant during the school year.
- (2) This bill would violate state and federal law regarding when a district has an obligation to conduct an evaluation placing the district at risk for litigation.
- (3) This bill would also violate state and federal law by requiring the special education director to make the decision to evaluate a student for special education who has been truant versus an IEP making the determination to evaluate a student for special education.

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.

Bottom line 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.

Sincerely,



Danielle Sheldrake
Executive Administrator for Student Services
Beaverton School District