



# NORTHWEST REGIONAL EDUCATION SERVICE DISTRICT

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Oregon Senate Committee on Education  
Hearing Date: March 31<sup>st</sup>, 2015  
Submitted by Northwest Regional Education Service District

## ***RE: SB 560 - Opposition***

Dear Chair Roblan and Members of the Senate Committee on Education,

My name is George Winterscheid and I am the Executive Director of Special Student Services for the Northwest Regional Education Service District (NWRESD). At NWRESD, we work closely with and provide support services to the 20 school districts within Clatsop, Columbia, Tillamook, and Washington counties, who in turn provide for the education of over 100,000 students in 184 schools. In addition to provision of general education, federal law (Individuals with Disabilities Education Act – IDEA) mandates that school districts provide a comprehensive evaluation by a multi-disciplinary team for any child suspected of having a disability. I am writing to express opposition to SB 560, specifically to oppose reducing the number of days for initial evaluations and re-evaluations from 60 school days to 60 calendar days, and to note the negative impacts a reduced timeline will have on provisions for appropriate evaluations, support services, adherence to IDEA guidelines, and student outcomes.

Please consider the following negative consequences of reduction in comprehensive special education evaluation timelines (an average of 20 fewer days for appropriate assessments and appropriate consideration of special education support services) as proposed within SB 560:

1. **Incomplete and inappropriate student evaluations/assessments.** Comprehensive evaluations require adequate time for data collection, from a variety of sources, across settings, and at different times. All eleven eligibility categories to be considered: Intellectual Disability, Hearing Impairment, Vision Impairment, Deaf/Blindness, Communication Disorder, Emotional Disturbance, Orthopedic Impairment, Traumatic Brain Injury, Other Health Impairment, Autism Spectrum Disorder, and Specific Learning Disability – require appropriate time for multiple observations, interviews, assessments, written reports, and thoughtful consideration of all results by a multi-disciplinary team.
2. **Inability of all members of the multi-disciplinary team to complete comprehensive evaluations/assessments appropriately.** It is difficult to schedule and coordinate the multiple specialists required for comprehensive evaluations. Speech and Language Pathologists, School Psychologists, Occupational and Physical Therapists, Autism Specialists, Blind/Visually Impaired Specialists, Deaf/Hard of Hearing Specialists, Behavior Specialists, Augmentative Communication and Assistive Technology Specialists, Adaptive PE Specialists, Special Education Teachers, General Education Teachers, School Counselors, and School Administrators all need time to access/gather

information from students, parents, files, records, medical information, and colleagues. Timely collection of medical statements from health care providers is difficult. Multiple observations, interviews, and direct assessments with students, parents, and staff are a logistical nightmare even given the current evaluation timeline. In small/rural school districts, specialists are scheduled for a few days a month; increased scheduling of assessments, observations, and interviews will result in reduced time for consultation and/or direct student services. It is probable that small/rural districts will need to pay for additional specialist time/days to provide appropriate levels of service for students' individual education programs (IEPs), if additional specialist time/days are available.

3. **Critical shortage of specialists will be exacerbated and costs will rise.** Oregon has a critical shortage of all types of specialists that assess and serve students with disabilities; Special Education Teachers, Speech and Language Pathologists, Autism Specialists, Occupation Therapists, Physical Therapists, School Psychologists, Behavior Specialists, Sensory Impaired Specialist, and others. Currently, due to the limited number of these highly trained individuals, every scheduled hour of their time is optimized for serving students. With a shortened timeline for assessment, a greater percentage of that time will be focused on assessment rather than provision of service, leaving students and districts with reduced service time. Thus, also resulting in increased expenditures on specialist in order to meet individual student service needs plus increased assessment needs.
4. **Inaccurate determination of educational impact and least restrictive environment for students.** Educational impact is a crucial component when determining special education eligibility. For example, there are students in every school who may have a medically diagnosed disability, but may not be eligible for special education support services. They might need accommodations, but not necessarily specially designed instruction (SDI). It takes time to gather the comprehensive data critically necessary for the multi-disciplinary team to accurately determine the need for special education. In addition, multi-disciplinary teams must ensure that, when a student qualifies for and receives specially designed instruction, those students are served in the least restrictive environment (LRE), which is unique for each individual student and requires thoughtful (time) consideration.
5. **Negative impact upon English Language Learners (ELL).** Students particularly impacted by a shortened timeline will be English Language Learners. Adding to the complexity and subsequent time necessary for appropriately completing a comprehensive evaluation, the addition of non-English speaking students and parents, is profoundly significant. ELL students need to be assessed authentically and in an alternate, linguistically appropriate ways by bilingual staff. Providing and scheduling staff for these needs is challenging, in addition to providing interpreters for families. Typically, alternative forms of assessment take longer than English-only assessments. It is crucial for evaluators to carefully assess these students in order to ensure they are not being identified with a disability when their real issue is one of second or third language acquisition.
6. **Staff are unavailable to meet and complete assessments, which will also increase costs.** Staff members do not work on weekends, legal holidays, and/or scheduled school breaks. Using calendar days instead of school days significantly reduces the number of days to conduct assessments, complete observations, complete file reviews, score assessments, interview staff and/or parents, interpret results, write evaluation reports, and hold eligibility meetings. Many districts have contract language barring staff from attending meetings after their contract day ends. Although some staff may be paid to stay/work extra, it's rare that contracts can require staff to attend after hour meetings, even with pay. By shortening the timeline for comprehensive special education evaluations, and thus squeezing additional meetings into a smaller window of time, districts will face increased costs associated with increased demand on staff time.

In conclusion:

- Reduced timelines for comprehensive special education evaluations does not translate into better or more accurate evaluations; in fact, they are likely to result in the opposite – less adequate and more inaccurate evaluations.
- For the most vulnerable student populations, reduced timelines for evaluations will likely result in increased misidentification of students whose problems are due to factors other than a disability.
- Allocation of resources necessary to shorten the timeline for comprehensive special education evaluations will not increase the capacity of our educational system to effectively teach all children – rather, it will likely result in reduced provision of services for children.
- Provisions in SB 560 for reduced evaluation timelines will not improve educational outcomes for Oregon students.

I appreciate your thoughtful consideration of this complex issue and the significant probability of negative consequences that will result from reduced timelines for comprehensive special education evaluations as proposed within SB 560.

Sincerely,

George Winterscheid  
Executive Director, Special Student Services – NWRESD