

March 31, 2015

Re: SB 560

Dear Chair Roblan and Member of the Senate Education Committee:

My name is Todd Nicholson and I'm a school psychologist in the Beaverton School District. I have been a school psychologist for twelve years and worked directly with students, parents, as well as multi-disciplinary evaluation and intervention teams. My professional life has been dedicated to improving educational and life outcomes for every child—especially our most vulnerable and challenged learners.

Senate Bill 560, with the proposed amendments changing initial and re-evaluation timelines from 60 school days to 60 calendar days would have a tremendous negative impact on the quality of the evaluation as well as the quality and appropriateness of interventions for students eligible for special education.

Students are referred for special education consideration by school staff and parents when students are suspected of having an educational disability. Once students are referred, special education staff is required by law to meet and consider an evaluation. Evaluation components and procedures are determined by O.A.R (581-015-2130-2180) and specific to the suspected disability.

Some of these evaluation categories have as few as four components (Health Impairment) and others as many as nine (Autism Spectrum Disorder). Beyond required components, it is not unusual for additional assessments to be conducted at the discretion of the team to further identify and guide the interventions necessary for the student to make progress. This means some evaluations can be relatively brief and others more extensive, complex and include the participation of medical providers in the community. I fully understand the spirit of this proposed change is to more quickly identify and serve students who may be eligible for special education. Yet, shortening the timeline as proposed will have a deleterious effect on these same students.

Psycho-educational evaluations are much different from psychological evaluations available in the community. Psycho-educational evaluations are tailored specifically to the educational concerns of the child referred. For example, in addition to evaluating a struggling student's cognitive processes, the evaluation also must seek to systematically analyze and evaluate a student's interaction with his or her educational environment. This takes time. *The better and more comprehensive the evaluation, the better and more informed the educational interventions.* Taking short cuts in this area leads to more educational failure, as the student would likely be given imprecise interventions and experience even more failure.

I am also quite concerned that English Language Learner students would be inappropriately identified as having disabilities when they temporarily appear delayed due to language acquisition.

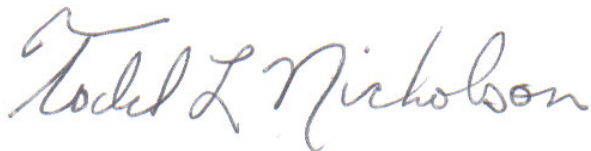
Unfortunately, in this country, there is a past history of classifying minority students as having disabilities. As educators, we are ethically bound to make sure this never happens again. Without a doubt, you will receive comments from other educators and administrators, which will speak to the considerable burden; this will place on an already stretched special education system. I agree with these concerns and fear that overall, students will receive less instructional time –the professionals who conduct evaluations also provide direct services and want to be able to provide those services. To meet a 60 calendar day timeline would place special educators in the position of not being able to serve students appropriately. Moreover, they would be out of legal compliance and having to choose between providing services and interventions or conducting evaluations to meet an unreasonable timeline.

I was recently involved in a complex evaluation for a student who was found eligible for special education services under the category of Autism Spectrum Disorder. The evaluation necessitated nine specialists coordinating over 60 hours of evaluation. Of the 60 hours of evaluation, 74% of that time consisted of direct interaction with the student; the remaining time was spent in observing the student interacting with the educational environment and synthesizing the information for eligibility and intervention. In reality the team would have actually had less than 43 school days to complete the evaluation (weekends, holidays and absences). The student would experience ‘test fatigue’ which not only compromises the integrity of the evaluation, in fact would further harm the student’s perception of herself.

Sometimes, there is a perception that students are not receiving any interventions during the evaluation process. This is simply not true. Tiered instruction (Response to Intervention) is designed to provide appropriate instruction along a continuum of need.

A wise educator once remarked: “If the necessary groundwork for any intervention has not been laid, the likelihood the intervention will be successful is greatly reduced . . .” Comprehensive and thoughtful evaluation lays that groundwork. I urge you to consider these and other unintended consequences of SB 560.

Sincerely,

A handwritten signature in blue ink that reads "Todd L. Nicholson". The signature is written in a cursive style with a large initial 'T'.

Todd Nicholson, NCSP
School Psychologist
Beaverton School District