

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services, 2017 Oregon Legislative Assembly

From: Mark McKechnie, M.S.W. Executive Director

Date: February 22, 2017

RE: Support for SB 263

Chair Gelser and Members of the Committee:

My name is Mark McKechnie, and I am the executive director of Youth, Rights & Justice. YRJ, founded in 1975, represents children and parents in the juvenile dependency system and youth in the juvenile justice system. YRJ lawyers have also represented individual students in school matters since 2001, including matters related to enrollment, special education, discipline and other issues.

The issue of shortened school days and home instruction for students with disabilities or suspected disabilities, particularly for those students with emotional and behavioral issues, has been a vexing and long-standing problem. Policies and practices vary widely from school district to school district. YRJ lawyers have handled a small but significant number of cases in which students who are in foster care and/or involved in the juvenile justice system were poorly served by abbreviated school day programs or home instruction. Often these plans were put in place by default due to a lack of more rigorous assessment and individualized planning. SB 263 includes definitions for behavioral analysis and planning, which are often the keys to designing an appropriate individual education program that works for the student and for the school.

SB 263 will help provide clarity and consistency to Oregon districts, schools and families. Federal laws require schools to make additional efforts to include students with disabilities, to accommodate special needs, to modify curricula and instruction, and to protect students from discrimination due to their disabilities. With these additional expectations, districts receive additional funds to serve students with disabilities.

Some students with disabilities, however, receive less support, not more. They receive fewer hours of instruction and spend less time in school. Without sufficient instruction time, these students fall further behind academically, compounding the challenges they face.

Districts, students and their families need and deserve clear, statutory guidance on when and how it is appropriate to modify the duration of a student's school day or school week. SB 263 defines clear and reasonable procedures on the use of abbreviated school days and on home instruction.

Youth, Rights & Justice urges your support for SB 263.