



February 22, 2017

TO: Senator Sara Gelser, Chair
Senate Committee on Human Services
FR: Bob Joondeph, Executive Director
RE: SB 263

Thank you for this opportunity to testify in support of SB 263, children with special needs and their families.

Disability Rights Oregon is Oregon's federally funded Protection and Advocacy agency that protects the legal rights of Oregonians with disabilities. SB 263 will set clear legal standards to protect children who now experience educational neglect because they are not allowed to attend full days of school, sometimes for years at a time.

A large number of these children have disabilities that drive behaviors which grow progressively worse without effective, consistent educational services and supports. When lengthy exclusion from school is imposed, rather than effective services, children are more likely to have early academic problems and difficulty staying enrolled and graduating. The low rates of graduation in Oregon, and specifically for students with disabilities, clearly indicate that we cannot afford to reduce the school days of any children let alone those with disability-driven behavioral issues. Nevertheless, shortening the school days of children with disabilities is a common practice in many Oregon school districts.

DRO and other advocacy agencies have been focusing in recent years to reduce the frequency and duration of reduced school day programs for the children who can least afford to lose school days. One positive product of that effort was the release by the Oregon Department of Education of a much-needed guidance on the subject of shortened school days. A copy of that Executive Numbered Memorandum accompanies this testimony. Other successes have been achieved on a case by case basis by DRO attorneys through many individual complaints and negotiations. We believe this has resulted in a reduced use of exclusion in a few urban districts.

Despite those positive markers, DRO's special education attorneys continue to receive large numbers of complaints from parents in which children with disabilities are provided as few as five hours a week of education in their home for months and sometimes years at a time. We have also learned that some school districts are following advice from their legal counsel that ODE's guidance can be safely ignored because it is not a statute. We have also found that the typical age of the children in these complaints is decreasing. It is now routine for DRO to work on shortened school day cases that involve children who are eight

years old or younger. We have open cases that involve kindergarteners and first graders who have already concluded that they do not belong in school.

While some students who are affected by reduced school days have medical issues that impact their ability to learn during a six-hour school day, the vast majority of children who are affected are children whose disabilities - frequently autism and ADHD/ADD - cause behavioral problems that do not respond to typical rule-based classroom management and discipline practices. The parents of two of these children plan to testify today about their experiences. Others who wanted to be here to testify are unable to do so because of the many difficulties that they encounter when their children are home for most of the school day for long periods of time. It is not easy for any parents to find childcare and take time off from a job to be in Salem, but that difficulty is exponentially magnified when a child with behavioral problems is at home for 22 or 23 hours a day.

We acknowledge that children with serious disability-driven behaviors can disrupt their classrooms and schools if their behavioral needs are ineffectively addressed. Accordingly, SB 263 seeks to balance the sometimes divergent interests of resource-strapped school districts and behaviorally dysregulated children who live within their attendance boundaries. SB 263 does not eliminate the ability of a district to reduce a child's school day when failing to do so might create an unavoidable and significant safety risk. It seeks to broadly ensure that educators who resort to abbreviated school days do so in a thoughtful, proscribed, and result-oriented way. To that end, SB 263 prohibits the reduction of a child's school day for safety reasons until and unless other evidence-based measures and practices have been considered and effectively implemented.

SB 263 sets an expectation that a shortened school day program should be employed only when needed to quickly stabilize a child's behavior in a relatively short period of time, 60 calendar days. Without a time limit, some parents encounter a moving target situation in which a short period of reduced school days stretches on indefinitely due to an inadequate behavioral program. SB 263 does not set a hard 60 day limit, but does require that districts convene a team to meet every 20 days thereafter to review the current program, the appropriateness of the placement, and possible reasons for continued failure to stabilize the student's behavior.

Section 6 of SB 263 requires data collection in order to measure progress in addressing the overuse of abbreviated school days. ODE has reported to us that it is unable to estimate the number of Oregon school children who receive reduced school days. Section 6 will address this lack of information by requiring that school districts and ODE collect data that will capture the number of students who receive reduced school day programs and the duration of these programs. It allows ODE maximum flexibility in how and when it collects this data while ensuring that the resulting data will provide a solid and easily understood picture of the problem and progress toward a solution.

Included with this testimony is additional information from FACT Oregon. Thank you.