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To: Senate Committee on Education
From: Roberta Dunn, Parent and FACT Oregon Executive Director
Re: Informational Hearing on Special Education in Oregon's Schools

Chair Wagner and members of the Committee,

For the record, my name is Roberta Dunn and I am here today in two capacities, first as the proud parent of a young adult who experiences disability and as the executive director of FACT Oregon. Thank you so much for the invitation to share with you about Special Education in Oregon's Schools. With our panelist today we bring over sixty years of lived experience as parents of a child experiencing disability and over sixty years of professional experience in the field of education.

FACT Oregon is the US DOE Office of Special Education Programs designated parent training and information center (PTI) for Oregon. We also contract with the ODE and DHS Office of Developmental Disability Services. With this support, we set out to empower Oregon families experiencing disability in pursuit of whole lives in their community. We do this with focused work in three interconnected areas: *expanding awareness, growing community, and equipping families.*

Through services created "by families for families," we have helped thousands of families each year navigate barriers, create a culture of inclusion, and demonstrate that a whole life is possible. The outcome of our work is engaged families with high expectations for their child and a vision for the future where all communities, including their school communities, are accessible, welcoming, and embrace that disability is natural.

Since becoming the PTI in 2012 we have experienced tremendous growth. This year alone we have had a 35% increase in the number of contacts we have with families.

Passage of the Student Success Act is a tremendous first step in ensuring that all Oregon students have equitable access to a safe, welcoming school, equipped with the services and supports they need, to achieve their greatest educational outcome. This must include students experiencing disability and the nearly 80,000 students receiving special education services. We applaud Director Gill for his commitment to the department's equity stance and its inclusion of all marginalized youth, students and families including civil rights protected classes and look forward to supporting him and Assistant Superintendent Pelt in efforts to identify and address system issues and barriers impacting students experiencing disability.

To make progress in the pursuit of equitable access to education for students experiencing disability, we must consider two things, first the core tenets of the Individuals with Disabilities Education Act (IDEA) and, secondly, changes in how we see disability.

The IDEA ensures provision of a Free Appropriate Public Education that meets the unique needs of the student, resulting in preparing them for further learning, employment, and independence. Keeping our eye on how we do in achieving these—preparation for further learning, employment, and independence is critical. Oversight of IDEA implementation has weighed heavy on compliance, and while compliance with the law is needed, it failed to consider results. That is changing with the OSEP application of Results-Driven Accountability. Therefore, when examining how we are doing in the provision of special education, we must examine how we are doing in preparing students for life after school.

The second tenet is the Least Restrictive Environment (LRE). IDEA has always advocated for kids with disabilities to be educated, to the greatest extent possible, with their non-disabled peers. Special education is the specially designed instruction (SDI) provided a student with disabilities. Special education is a service, not a place, and should to the greatest extent possible be provided within the general education classroom. Special education wasn't intended to supplant or detour access to general education, but instead was intended to support access and progress in it. Inclusive educational pedagogy is often accompanied with application of Differentiated Instruction and Universal Design for Learning and at its core supports that inclusive education is the supports and services provided within whole-school restructuring, resulting in communities in which all students are valued. (Artiles & Kozleski, 2016)

The last of the three is meaningful parent participation, which is not only a priority of the IDEA for families with a student receiving special education services, but called out in the Every Student Succeeds Act (ESSA) as paramount for all families. Why is parent participation important? This is twofold, first, the parent is the subject matter expert for their child and their number one fan and advocate, but secondly, they champion a vision for the future that carries into adulthood (i.e. life after school.)

Changes in how we see disability contributes to families being able to dream a bigger dream for their child than they once would have. Awareness that disability is a natural part of the human experience, and that one can embrace their disability identity without need to overcome it is game changing! Several drivers play significant roles in this change. I will highlight a few. First, the Olmstead case and the resulting "integration mandate." This was the swinging of the pendulum away from the public dollar supporting segregation of individuals experiencing disability to one in which the public dollar supports independence integrated within community, establishing that money that once would have paid to institutionalize a person must provide the needed support to live in community. Similarly, the Home and Community Based Setting Rules (HCBS) out of the Center for Medicare and Medicaid Services (CMS) challenge formal systems to provide services and supports that honor choice, independence, and integration in community. Oregon in many ways is a front runner in this work; one of only 14 states that no longer have institutions. Oregon's Employment First initiative and Lane v Brown settlement has us leading the way in supporting individuals experiencing disability in pursuit of integrated employment for competitive wages.

These changes, along with increased use of Universal Design and rapid advancements in assistive technology have allowed individuals experiencing disability to reach for the stars with high

expectations of what the future can hold for them. Delivery of special education services must keep up. Chief Justice Roberts said it so well in the Endrew F. US Supreme court findings, “When all is said and done, a student offered an educational program providing ‘merely more than de minimis’ progress from year to year can hardly be said to have been offered an education at all.”

Now is our opportunity to ask how we are doing. Does our provision of special education services result in transition age youth ready for additional learning, employment, and independence needed for success after school? A solid research base exists that indicates the most effective educational environment for students experiencing disability, even students with extensive and pervasive support needs is, in fact, the general education classroom (Ryndak, McDaid, Wakeman, & Saunders, 2019). Yet, Oregon’s LRE measures are trending the wrong direction (slide 23).

FACT Oregon has identified five focus areas that would address this trend, and in doing so, result in greater outcomes for students experiencing disability. With strong leadership within the ODE and much needed additional funding, we look forward to raising expectations, providing increased opportunities, and addressing systemic barriers faced by students experiencing disability.

- Students in Early Childhood Special Education [ECSE] start school enrolled in a general education kindergarten class.
- Creation of a “Best Practices in Inclusive Education” stakeholder group.
- Dedicated work in the area of meaningful parent participation.
- Due diligence to secure every student the opportunity to graduate with a diploma before receiving a certificate of attendance.
- General education teacher preparation that ensures they are equipped to support students of all abilities.

Thank you for your consideration to this testimony.

Roberta Dunn, Parent and Executive Director
FACT Oregon