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#ALLMEANSALL

EQUITABLE ACCESS TO
SCHOOL FOR ALL
STUDENTS

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Oregon schools are open
for in person learning.

**But some
students are
being denied
access to a full
time education
with their peers.**

#ALMAYNSAL

**THAT'S CALLED
DISCRIMINATION.**

***AND IT IS AGAINST
THE LAW.***

Failure to provide access
to full time public
education is NOT a
special education issue.
It is an EDUCATION
issue.

The right to full time
education is protected
by multiple state and
federal laws.

ORS 659A.142

It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS 659A.400 or any person acting on behalf of such place, to make any distinction, discrimination or restriction because a customer or patron is an individual with a disability.

Public Accommodation Definition

Any place that is open to the public and owned or maintained by a public body, as defined in ORS 174.109 regardless of whether the place is commercial in nature

Any service to the public that is provided by a public body, as defined in ORS 174.109 regardless of whether the service is commercial in nature.

ORS 659A.006

It is declared to be the public policy of Oregon that practices of unlawful discrimination against any of its inhabitants because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status are a matter of state concern and that this discrimination not only threatens the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.

(2) The opportunity to obtain employment or housing or to use and enjoy places of public accommodation without unlawful discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability hereby is recognized as and declared to be a civil right.

ORS 343.161

A school district may not unilaterally place a student on an abbreviated school day program, regardless of the age of the student.

“Abbreviated school day” means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school.

“Abbreviated school day program” means an education program:

- (A) In which a school district restricts a student’s access to hours of instruction or educational services; and
- (B) That results in a student having an abbreviated school day for more than 10 school days per school year.

ORS 339.115

Except as provided in ORS 339.141 (Tuition prohibited for regular school program), authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district **all persons between the ages of 5 and 19 who reside within the school district.** A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.

ORS 339.256

(2)

For an alternative education student, an English language learner or a special education student, a school district may not restrict access to specialized learning areas or to the common lunch area, common gathering areas or recreational areas in a manner that is different than any restrictions imposed on traditional students in the same grade.

ORS 659.850

(1)

As used in this section,
“discrimination” means any act
that unreasonably differentiates
treatment, intended or
unintended, or any act that is fair
in form but discriminatory in
operation, either of which is
based on race, color, religion,
sex, sexual orientation, national
origin, marital status, age or
disability.

ORS 659.850 (2)

A person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly

Preliminary Results from #AllMeansAll Surveys (Day 1)

Statewide Problem

- N Clackamas ESD
- Ashland
- Creswell
- Klamath City
- PPS
- GAPS
- West Linn Wilsonville
- Springfield
- Eugene
- Tillamok
- Multnomah ESD
- Lane ESD
- NW Regional ESD

Demographics

- Most have disability
- Most have IEP
- Some have 504
- 1/3 identify as BIPOC
- 2 Foster Youth
- ELL
- 1/3 have mental health needs

Most Frequent Reasons Given for Reduced Instructional Time

- Lack of Instructional Assistants
- Medical or Physical Needs of Student
- Lack of Workforce (generally)
- Educational Support Needs of Student

Most respondents learned of reduced instructional time by phone or email. Only one parent reported this being discussed at an IEP meeting.

Over half report being unable to return to work due to reduced instructional time and/or frequent calls to pick student up from school for reasons other than illness

Many discouraged by district from filing complaint because there is nothing that can be done. Only 1 complaint resulted in a written response, and none were told how to appeal a decision.

QUOTE

My son gets 15 min a day of online class, he only gets to listen to the class. He gets twice a week 15 min of therapy.

QUOTE

[My son] has missed every single Friday of school this year. He is not making progress. He is non-verbal and profoundly cognitively impaired.

QUOTE

We were told that our child cannot learn with her peers by her Gen Ed Teacher so it would be ok for her to miss afternoons when they forced her on shorted school days for two weeks.

QUOTE

While the pandemic has highlighted the dysfunction, it has been going on since she began kindergarten. Before covid, I would leave work to help at her school when there were no paras. Now, her special education teacher has informed me that she plans to change my child's FAPE for next year because her caseload is too high.

QUOTE

We received a letter from PPS in October saying our daughter would have additional supports and instruction to "make up" for the previous academic year. When I mentioned it at her IEP in mid-December, both PPS attendees said "there aren't any, that is just something they made us send."

QUOTE

I shared my frustration with the attendance office when my son kept getting marked for unexcused absence because he wasn't in school on Friday. I told her it was a slap in the face to get the calls when he's not allowed to go.

QUOTE

My husband and I have had to cut down on our work in order to constantly help her. I don't disagree with making remote learning possible - I disagree with not providing remote learning that is higher quality and teaches the same basic things as the other children in her class.

QUOTE

My [student] is enrolled in [a language immersion] program. S/he has several serious medical conditions that mean s/he can't safely attend in person (and school does not have enough room in classrooms to socially distance, etc.). Our entire family has been isolating at home until this wave is over because of the medical risk to him/her. She/he was told that his/her choices are: (1) come in person despite the health risks, or (2) enroll in a remote program that will not offer any foreign language instruction and he/she will be very far behind when she does return to in person.

QUOTE

Staff and admin at [the] elementary are doing multi times per day physical restraints to my child, causing injury on multiple occasions and without regard from child's past history of abuse.

QUOTE

We receive no help or information for remote learning. We do not get help with IEP supports (ie larger print copy, tracking tools, speech to text devices, etc) during remote learning

QUOTE

CDL learning does not work for my child, they have a 4/1 model and so he misses an entire day every week. He often misses other days because of his need for routine and structure, it's hard for him to go one day in person, sit at home one day on Tuesday and then go back 3 more days. Terrible set up. Nobody wins, my son or the staff.

QUOTE

My child is pulled out of last period early because the SPED bus leaves earlier than other busses

QUOTE

(My child) has also missed additional (school) days when they said they didn't have enough staff to have class.

QUOTE

Lack of 1:1 nursing care is a huge issue. .. SD does bill Medicaid for these services. ..The Sped director reached out to me you see if I knew of any nurses...who would be interested in working so the medical kids could go to school with adequate medical support. She sent me the wage scale and it is severely outdated. ... So kids are missing school days because they are unwilling to pay fair market wage, even though they are getting federal and state funds, billing OHP for these services.

QUOTE

He's not actively participating because we don't have the in home support needed

QUOTE

I would love for my son to have more class time but virtual does not work. Requesting more.time would make it harder for the entire family since we have to be next to him to support him.

QUOTE

In addition to the scheduled reduced school time, my child has been excluded for an additional 7-10 days so far.. Some days have been due to no nurse support. Other days have been due to lack of IA staff. I have received the call from the ESD, the District Nurse, the special education director and there was also I got the call from the Transportation supervisor telling me they were making the call to tell me didn't have nurse for the next day and the school staff was too busy to call me.

QUOTE

All the specials (PE, Art, etc) are scheduled for the day school is virtual, but my child can't access virtual classroom so he is effectively not getting them at all. Many (if not all) of the kids in his classroom have similar issues accessing virtual classes due to the nature of their disabilities. The program is doing their best to communicate the issues their having and they're really just between a rock and a hard place. Need to increase wages overall but especially in special ed, and this can only happen with increased funding.

QUOTE

Gen Ed students parents block the handicap parking spots; school has the pick up line routed straight through the spots.

QUOTE

It's hard on him because
he loves going to school.
It's affected his sleep.

QUOTE

I preferred remote learning for my child because it meant that he wasn't being traumatized daily by the teachers use of excessive physical restraint. The teachers and staff restrain him now for everything and he's getting hurt and not getting any academic time. Remote learning allowed him to access the material without fear of teachers hurting him.

QUOTE

It is so so hard for our special ed kids! There is no recognition of that from our school at large.

QUOTE

Our child can't access
remote learning at all.

QUOTE

[My child has been excluded from school] at least 20 days [this school year]. Some were suspensions for behaviors related to his disability and the other days were when they changed his placement but didn't have a plan for when he would start. They asked me to keep him home until they figured out a start date at the new school. They didn't want him going back to his current school placement and had me not bring him.

QUOTE

Bus transportation and aids have been difficult and often I'm asked to bring him myself because there is no EA to ride with him that's trained in his seizure protocols. Often I can't get him there and pick him up due to my work schedule and other childrens school transportation

QUOTE

He is attending school in-person full time in self contained classroom, but instructional lessons/sessions not occurring due to low staff. He also was not offered the same amount of time for summer school as general education children are being offered.

QUOTE

When they are moved to remote (including spring 2020-21), there is zero support for her to access any content. And now when they are back in person, she and other students who have paras assigned, do not have that support. So while she is physically at school, she (and others) do not have support in accessing the curriculum as well as their basic hygiene needs.

QUOTE

This fall when unvaccinated students in her classroom went on remote; although fully vaccinated, my daughter was sent home without explanation. I didn't find out until later that was against ODE guidelines.

QUOTE

It has not been asked but it has definitely been implied that my daughter should stay home or go home twice (so far) due to staff shortages

QUOTE

I haven't been told full time school isn't an option but that inclusion and FAPE are not.

