

To: Senate Committee on Education  
From: Joel Greenberg, Staff Attorney, Disability Rights Oregon

Re: **Support for SB 1578**

Dear Chair Dembrow, Vice-Chair Thomsen and Members of the Committee,

Disability Rights has been Oregon's federally designated Protection and Advocacy agency for more than three decades. As our state's P and A, DRO protects the legal rights of individuals with disabilities.

During many years at DRO as a staff attorney, much of my work has focused on ensuring that children with disabilities receive the free and Appropriate Public Education free from discrimination that is their right under a number of federal and state laws and rules. That experience has revealed many problems within our state's system of education, but if asked to choose the one issue that most negatively impacts my clients, it would be a system that relies on complaints which many parents find to be more of a challenge than they can handle. The current system rewards parents who are financially well off enough to hire lawyers and file complaints. At the same time, it makes it nearly impossible for less fortunately positioned parents to effectively raise serious grievances and issues. This imbalance is not good for the children with disabilities, their parents, or the teachers and staff who are forced to direct resources and attention to the squeakiest wheel.

If it becomes law, SB 1578 would rebalance our inequitable and resource-wasting complaint system in a significant way. It's provisions directly address reasons that many parents either fail to file complaints, or do so in a way that almost guarantees failure. It recognizes that parents of children with disabilities do not encounter educational problems in neatly separated silos organized by the specific provisions of the law or rule involved. Their experience is typically if not overwhelmingly one of multiple intertwined problems that impact one another in complex ways.

As members of this committee, you should understand that this is not an abstract problem – it is something that I see it in my work every day. For instance, the children who have been my focus for some years are those who have received shortened school days because of their unaddressed behavioral issues. They are more likely to be restrained and disciplined than their classmates and their academic progress is often far below grade level. What their parents have learned over and over is that attempts to complain about these clearly related issues are frequently rejected or redirected to other complaint processes that require long delays while more harm is done to the child. It doesn't take many trips around those tracks to learn that complaints are not worth the effort. In fact, more than one of the families I work with has

simply pulled up stakes and moved to another state where the system that resolves disputes is more equitable and better tuned to the needs of children with disabilities. Others have decided that home schooling is easier than fighting on the uneven playing field that is our current complaint system.

SB 1578 would change these scenarios by enabling a parent to file a complaint that would be efficiently investigated regardless of whether or not it was crafted by an attorney who could tailor it to individual laws and rules that separate reality into legal buckets which are incomprehensible to most people. It rebalances the primary responsibility to understand the law that is currently borne by parents onto the shoulders of ODE where it belongs.

For those reasons, DRO strongly supports the passage of SB 1578 and hope that it moves forward without any amendments that may weaken the strong and needed protections that it will provide to children with disabilities in our state if it becomes law.

I am happy to answer any questions that the Committee may have.