

Chair Dembrow, Vice-Chair Thomsen and members of the Committee:

My name is Nicole Silverman. I live in Milwaukie, OR and I am here today to testify in support of Senate Bill 1578

This is my son Benjamin Silverman who is 13 and is currently in 8th grade. He loves his teacher, riding the bus, going to school, playing jokes on his friends and dancing. Benjamin is autistic, experiences developmental disability and requires significant medical and behavioral supports and accommodations to access his free and appropriate education. When the pandemic hit, Benjamin was only offered comprehensive distance learning (CDL) for the remainder of 2020 calendar year. Although we attempted to attend a few zooms weekly, Benjamin requires hand over hand, in person instruction to access a meaningful education . He is also non-verbal and utilizes pointing and a communication device to communicate which is nearly impossible over zoom. We requested some sort of alternative access to education since CDL does not give Benjamin access to his education in a meaningful way. We were denied due to safety concerns. At our own expense, we tried to hire an aide for Benjamin to help him participate via zoom but he was still not receiving the services in his IEP.

Last September was Benjamin's first opportunity to attend in person school. He had no bus transportation set up for the first two weeks, I received no communication from his support team to get a plan in place for him to return to school successfully nor could I get a response from any of his support team for setting up a new feeding/toileting protocol etc since it had been a long time and his medical needs definitely changed. The disparity and discrimination that has occurred due to staffing shortages and lack of training for staff with students who have more specialized or significant support needs continues on a daily basis.

Currently, Benjamin still misses a full day of school every week due to a 4/1 model where one day is mandatory CDL because of staffing shortages. This model is only for the Life Enrichment Education Program (all kids who experience disability) and is not the same for typical gen ed classrooms who have the option to receive 5 full days of in-person instruction. Imagine my dismay and surprise when this was rolled out due to staffing shortages and my other two children have the option to attend 5 days of in person instruction but Benjamin because of his disability, does not have that option, nor can he participate in CDL day . This is not equity.

If the bill passes, families like ours would have an immediate and timely path forward back into the classroom, ensuring our right to a Free and Appropriate Public Education under law. Thanks to the -1 (dash one) amendment, the Oregon Department of Education would order the district to stop these violations and start access to instructional time within 5 days. Students like Benjamin would not be at home, missing out on weeks of school. This bill would ensure that students like my son would have access to the education that he has a right to under the law.