



**Written Testimony on House Bill 3350**  
**House Committee on Education, Oregon State Legislature**  
**Informational Hearing on Impact of COVID Pandemic on Students with Disabilities**

The implementation of distance learning due to the COVID-19 pandemic has resulted in inequities that severely and disproportionately impact students with disabilities. Many Oregon students with disabilities are not able to effectively access their education, including special education, specially-designed instruction, accommodations and/or related services through comprehensive distance learning.

**April 27, 2021**

Good Afternoon Chair Alonso Leon and Committee Members,

For the record, my name is Cheryl Cisneros, Executive Director of Creating Opportunities which is the Regional Family Network in Marion, Polk & Yamhill Counties.

Our organization offers advocacy and support to hundreds of families in the region whose children experience a disability. Many of these families reached out to us throughout the pandemic and reported that their children could not access their education through online distance learning, and even heard from educators which prompted us to join with our colleagues to draft House Bill 3350 which brings us to today's hearing.

I want to begin by thanking you for this time to discuss this important issue of equity for this marginalized and often isolated group of children and families.

- Thank you to this Committee and especially to Representative Owens who joined as a sponsor of this Bill.
- Thank you to the families who are coming forward to share their stories with you today.
- Thank you to those who submitted written testimony on the record, including Senator Gelser.
- Thank you to the educators who we know have been faced with countless challenges during the pandemic.

And while we acknowledge the efforts of the regional programs and educators in school districts throughout the state who are finding creative ways to engage children with disabilities during the pandemic as described in prior testimony, it is not representative of the experience by most families whose children have disabilities that prevent them from participation in online learning opportunities.

As mentioned, the main concern that we were hearing from families was the lack of access to their child's education and needed supports. We recognized that many students in our region simply could not access education online and so our organization used OHA COVID Health Equity Grant funds we received last year to provide dozens of local students with in-home tutoring for several weeks, and for these students it meant that instead of spending their days in a state of crisis, they for this specific period of time had the individualized supports they needed to access their education and actually make progress. Parents were able hire the tutors they trusted in their home during the pandemic, and we reimbursed them through our grant funding. And while we are proud that we were able to help dozens of children, we recognize that there are hundreds of children in our region, and thousands throughout the State still do not have the supports they need to access their education during the pandemic.

I would like to note that Oregon Department of Education (ODE) guidance published during the pandemic states that educators may need to make specific allowances for alternate service delivery models to meet the individual needs of students with disabilities and allows schools to select Limited In-Home Services as an option for service delivery and directs districts to designate staff and determine protocols for In-Home Services when necessary.

There is much work to do to make sure that students with disabilities get the help they need as soon as possible, including:

- Clear and family friendly process for families to obtain compensatory / recovery services without filing a complaint. I know that there are some districts who are starting to brainstorm ideas with parents on what these services might look like, but we need a clear process for every family to have a voice in the decision-making process.
- Access to in-home tutors, especially for those students who cannot return to school during an active pandemic due to medical reasons.

The good news is that Oregon statute already contains a mechanism to allow families to employ tutors and receive reimbursement from the State. There is a current provision for Foster Care Parents to receive reimbursement of up to \$375 per child per month for a 1:1 in-home support provider during any state emergency as stipulated in Oregon Administrative Rule 413-090-0010 for Alternative Care to ensure the well-being of the child or young adult. We ask that the State leverage all available federal funds to ensure that parents of children with disabilities who require in-person support to access their education are given the option of hiring in-home support persons to provide tutoring using the same reimbursement arrangement regardless of limitations imposed by health metrics.

The Oregon Department of Education stipulates that “If not acknowledged and addressed as part of the planning process, these intersectionalities of race, socioeconomic status, *disability*, and gender have the potential to further impact opportunities and compound discrimination and oppression. Equity must live at the heart of every decision and action in service of all learners.”

A Supplemental Fact Sheet published by the US Department of Education stipulates that “Where technology itself imposes a barrier to access or where educational materials simply are not

available in an accessible format, educators may still meet their legal obligations by providing children with disabilities *equally effective* alternate access to the curriculum or services provided to other students.” Districts have a legal responsibility to make instruction accessible for all learners.

I look forward to working with ODE, other family advocates, educators and legislators to ensure that all students the education they all need and all deserve without further delay.



**Cheryl Cisneros, Executive Director**

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Cited ODE Guidance:

Oregon Department of Education August 11, 2020 Ensuring Equity and Access – Companion Guidance to Ready Schools, Safe Learners and Comprehensive Distance Learning, Aligning Federal and State Requirements.