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Chair Alonso Leon
Vice-Chair Neron, Vice Chair Weber
Members of the House Committee On Education

RE: HB 2962 – Requires school district to evaluate instructional needs of students as result of school closures due to COVID-19 and to report summaries of evaluations to Department of Education

Representative Alonso Leon, Vice-Chairs, and Members of the Committee,

FACT Oregon is the US Department of Education Office of Special Education Programs designated Parent Training Information (PTI) Center serving Oregon families as they navigate Special Education services. Providing peer-delivered support, training, and resources, we equip and empower families of youth experiencing disability to have high expectations as they pursue whole, full lives in community.

FACT Oregon supports HB 2962 with its -1 amendment and its recognition of the need for an overarching evaluation of the impact school closures have had on the academic performance and social and emotional well-being of all students as result of the COVID 19 pandemic. All students and families have been impacted, and data is needed to quantify that impact. This data must then inform legislative, departmental, and district efforts to address learning loss, regression, and the social and emotional needs that students have experienced in this year of traumatic interruption of all that they knew to be consistent and expected.

The Individuals with Disabilities Education Act (IDEA) assures the provision of a Free Appropriate Public Education (FAPE) to eligible students that includes access to supplemental services, supports, accommodations and/or modifications identified within each student's Individualized Education Program (IEP). Because of school building closures, and despite the ODE's best effort to provide guidance and district's efforts to be as responsive as possible in this pandemic, many students with disabilities were not able to access FAPE. IDEA provides procedural safeguards to families when there has been a failure to provide FAPE, which can include compensatory education services, but most families find the procedural safeguards inaccessible due to complexity, language barriers, and expense (for example, in retaining an attorney for a due process hearing). **FACT Oregon supports HB 2962,** appreciating that our examination of students' needs must be comprehensive and include all students in both identification of need and in the application of proposed remedies. This is not a time to allow for splintered approaches that separate and silo. Application of an equity lens to this work would support efforts to slow the widening gap in disparity already recognized in our students experiencing disability, students that are English learners, students of color, and students experiencing poverty.

I reached out to our FACT Oregon team - parents or family members of a youth with disability themselves - to share what they are hearing from families reaching out to us for support. Here is a quick summary of what they shared with me.

Families experiencing disability continue to be overwhelmed by the increased demands on them as far as caregiving for their child with a disability, and dealing with job loss, home and food insecurity, other childcare, plummeting physical, behavioral, and mental well-being. For many, these issues present urgent need requiring immediate and unforgiving attention, which provides limited capacity for managing school. The extra burden of school support for children experiencing disability has fallen squarely upon families, leading to “isolation, anxiety, and other ill-effects in far greater numbers “and with “less support for their children’s educational goals,” than other groups (Daiment 2020). Caregiver Strain Index scores for parents of children with intellectual disabilities have skyrocketed during the pandemic (Dhiman et al, 2020). Families are overwhelmed by loss of in-person supports and escalating child behavior at home. Despite ODE guidance that districts should apply graciousness in recognizing the varied circumstances families are in, many of our families have shared that they felt shamed for their inability to make CDL work for their students. They were told that they “failed” to engage. Barriers vary greatly, including lack of computer equipment or skill, lack of dependable internet access, lack of adult support to oversee school, students being unable to participate because of sibling care needs, language, or illness or loss of a family member. Similarly, decisions regarding how or if their child can participate in hybrid or in-person learning vary greatly. Health concerns related to how the student experiences disability are common, including susceptibility and health frailty, and ability to tolerate wearing a mask and/or socially distance.

Time and again, FACT Oregon is hearing from families that the interruption in schedule and routine has resulted in students with disabilities having increased anxiety and behavioral challenges. With an increase in behavior needs, some families have even reported that districts are advising them to keep their child home, even when they are desperate to send them. The long duration of time out of school has resulted in widespread learning loss, regression in areas where there had been success, and school avoidance. Student well-being must be prioritized. Isolation and loneliness are not new to students experiencing disability, but they have significantly worsened over the last year.

Because of school closures and widespread difficulties in accessing and meaningfully participating in CDL, FACT Oregon has deep concerns for students experiencing disability. We propose that, without a commitment to gather significant data around the following topics, that COVID-19-related school closures will translate into long-term impacts for students receiving special education services:

- Changes to the IEP. Teams may have lowered rigor and or changed Specially Designed Instruction included in the IEP. Many parents agreed to changes for the duration of CDL under a bit of duress, appreciating that providing what was in the IEP was impossible to do in CDL. Families fear that changes made will not revert to pre-pandemic situations.
- Increases in challenging behavior or new behaviors may result in students being placed in a more restrictive placement. Thoughtful, personalized, intensive support for re-entry should be tried first with an appropriate behavior support plan.

- Transition-aged youth experienced limited access to vocational exploration, transportation training, and opportunities to practice independence in community, which will impact their ability to reach transition goals and postsecondary outcomes.
- Retention efforts, such as repeating a grade level, or other considerations of looking at the year as a “gap year” should be scrutinized and parents made aware of consequences, including a lost year of anticipated transition services for students receiving a modified or extended diploma or certificate of attendance.

This testimony is on the behalf of families in need of ODE guidance to districts that is informed by a deep examination of data to ensure that Oregon students receive the services and support they need to address learning loss, regression, and social and emotional health needs.

Thank you for your consideration of this testimony.