

Senate Bill 633

2023 Legislative Session

Written Testimony in Opposition

Chair Dembrow, Vice-Chair Weber, and the rest of the committee thank you for the opportunity to speak on this matter. I believe you will find that the point of view I can offer on this bill is unique.

My name is Fawn, and I live in the Junction City School District in Lane County, Oregon. This is located within Lane Educational Service District. I have two school-age children, and neither attends in-person public school due to their disabilities.

My Background - My Children

My son attended our local school for Kindergarten and about a month of first grade. He is generally a happy kid, anxious to please adults around him, but with physical and developmental disabilities that can present a challenge for him. He experiences behaviors when overstimulated, but the significant behaviors come from when he isn't listened to.

He has never been as escalated as he was almost every day in that school. Let me be clear: he attended full-day programs before and after that school without the behaviors seen there. He even attended a full-day program in the summer between Kindergarten and first grade where the behaviors witnessed weren't present.

The school even went as far as making him eligible for "emotional disturbance" due to the behaviors. His current IEP team agrees that the diagnosis was utterly inappropriate and removed it as he qualified in other *appropriate* ways.

My daughter, on the other hand, is my no-holds-barred chaos tornado personified. She is one of the most creative 6-year-olds I have had the pleasure of knowing, and from the first hour after she was born, we knew she had attitude, boldness, and strength. Since then, she has solidified that conviction daily.

My son is not only the rule-follower and people-pleaser between my two children but compared to most other kids. One of my daughter's first sentences was, "No! I do it myself!" And this was before she'd even turned two years old.

Interestingly, my children have very similar diagnoses.

You may see why I chose not to enroll her in our local public elementary school between my son's experience and the type of school my daughter needs. Thankfully, she has found a perfect fit at a private elementary school that uses the Montessori method. Her constant motion, creative skills, determination, and leadership ability are welcomed and admired.

The Issues Addressed

Please forgive my lengthy description of my children, but it is vital to understand them in order to understand my perspective on the bill we are addressing today.

I have registered my testimony, both oral and written, as "Opposition" because that is the overall stance I take. Still, I think you will see that I am conflicted about the bill and strongly believe in the critical issue this bill addresses.

***It isn't the road, or how it is constructed I take issue with,
but the destination we find ourselves in at the end.***

So what is the problem, and what right do I have to take up the committee's time?

SB 633 for this 2023 Regular Session of the Oregon Legislative Assembly addresses a concern we have seen in other bills that have passed through this Committee earlier this session. I even spoke on two of them, expressing my support to pass those bills.

The common thread in the bills we have seen is the massive concern for children in special education. This is the concern all of us here share. I appreciate the time the committee takes to hear our stories and approach these sessions with an open mind.

The **massive problem** with this bill is that it creates an environment of exclusion and creates an atmosphere that invites abuse both of disabled people and of public funds. I say this as someone potentially benefiting from the bill as it is written today.

The Quandry

As I stated earlier, the perspective I offer is complex.

I have been working with members of the community to build the foundations for a school that would offer both neurodiverse and gifted students a place to learn at their pace, in the way they need to learn, in an environment built for them, and with their unique strengths in mind while supporting their diverse needs.

Contrary to how this may seem, I believe wholeheartedly in the public education system and think that public education intrinsically benefits all children, regardless of disability.

I see the school I am working on as necessary in the current climate. However, community inclusion and involvement in this school is vital for our project to ensure that we are not building a segregated school for public school districts to send the children deemed too “difficult.” Still, a place for those whose needs cannot be or are not met through other options.

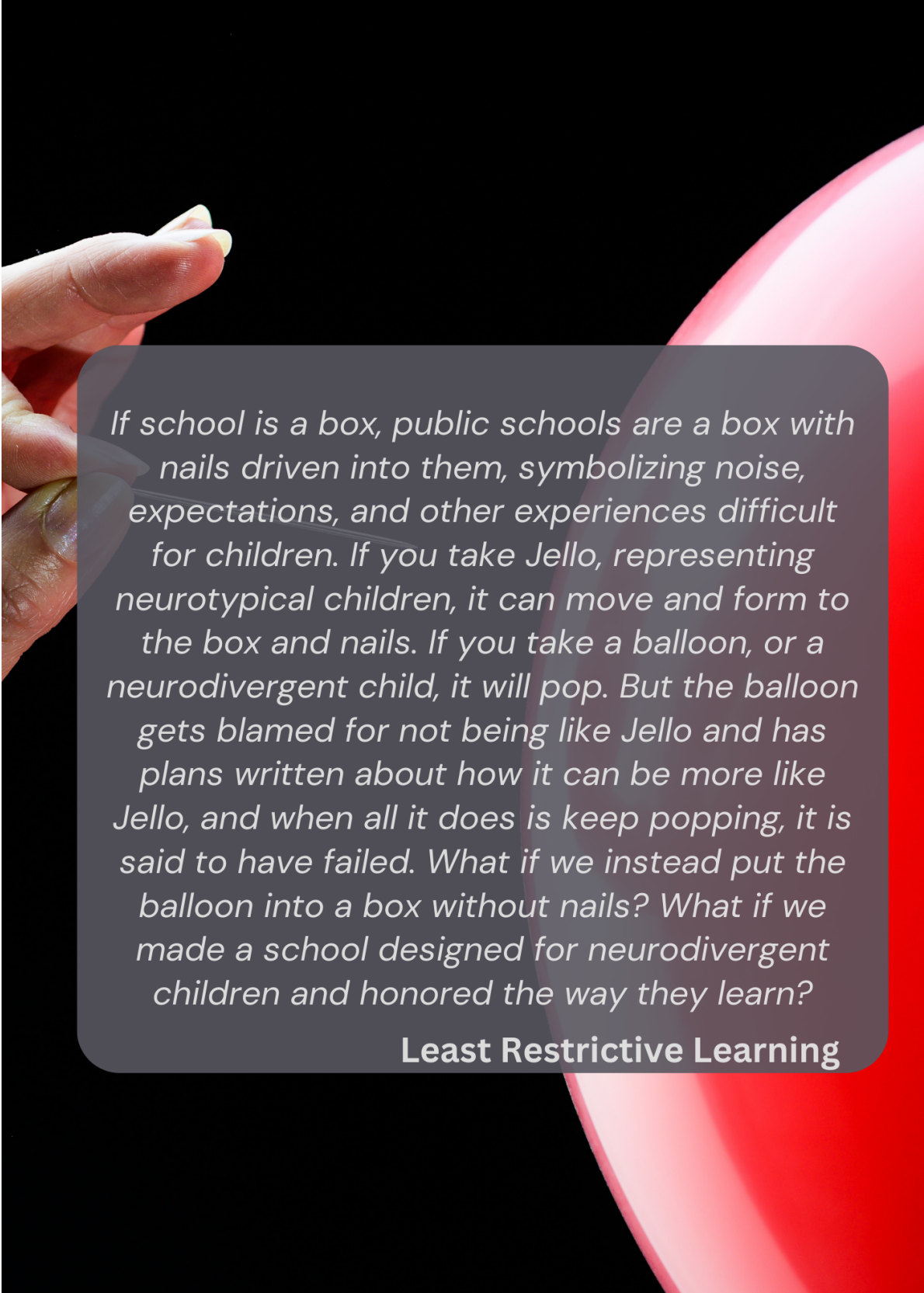
Boxes, Nails, Jello, and Balloons - A Metaphor

I would like to help the committee members and the public create a mental image in your minds. If we think of school as a box where the walls represent the school building, teachers, classes, and other basics of the institution, then the sensory load, developmentally unreasonable tasks, and other difficult things for children in the school would be represented as nails driven into the box.

Now consider the typical child represented as jello. If we place jello in the box, it wiggles, it moves, it adjusts; it isn't perfect, but jello makes it work.

However, if we represent a neurodivergent child as a balloon when we put them inside the same box, the balloon will pop when it reaches the distressing factors, the nails. The nails are bent at different angles, but not removed, and the balloon is given goals and a plan on how to not pop. But it continues to pop. No amount of plans and discussion will make that balloon into jello.

What this bill suggests doing is to put the balloon into another box, with unknown nails and less oversight, and hope that the balloon doesn't keep popping or that if it does, it will do so away from the current box, so no one needs to see it.



If school is a box, public schools are a box with nails driven into them, symbolizing noise, expectations, and other experiences difficult for children. If you take Jello, representing neurotypical children, it can move and form to the box and nails. If you take a balloon, or a neurodivergent child, it will pop. But the balloon gets blamed for not being like Jello and has plans written about how it can be more like Jello, and when all it does is keep popping, it is said to have failed. What if we instead put the balloon into a box without nails? What if we made a school designed for neurodivergent children and honored the way they learn?

Least Restrictive Learning

The Meat of the Issue

We must work diligently to ensure that short-term goals that would support students don't lead to long-term systemic crutches. I acknowledge that this bill has a sunset. Still, in six years, this bill could easily lead to a service that seems vital with extensions and additional bills to establish segregation of students with disabilities in Oregon schools.

Unlike the other bills that addressed specific issues and offered solutions for students, this bill seeks to allow schools an excuse to deny disabled students inclusion, education, and access.

Unlike other bills this session that strives for inclusion, this bill offers students exclusion.

If you vote for this bill as it stands, you are putting discriminatory practices into law.

If you vote for this bill, you are seeking exclusionary practices in public schools to be the norm.

If you vote for this bill, you are stepping back decades of advocacy people with disabilities have put everything on the line to achieve.

If you vote for this bill, you are opening a window for institutions to come back into the discussion.

I don't believe that anyone on this committee wants another Fairview. I also choose to think that was not the intention of this bill as I have witnessed the excellent work the people on this committee, including the sponsors of this bill, have done and the heart every single person has to do this vital work.

What I would ask of the committee, and especially Senators Frederick and Dembrow and Representatives Hudson and Nelson as the sponsors of the bill, is to look at the result you are working to achieve and edit the bill to meet the needs and to get that result after hearing from the advocates here today.