

TO: Senate Committee on Education
FROM: Suzanne Gall, Disability Rights Oregon
DATE: February 11, 2026
RE: Oppose SB 1572 (2026)

Chair Frederick, Vice Chair Webber and Members of the Committee,

For the record, my name is Suzanne Gall, and I am here today on behalf of Disability Rights Oregon. Disability Rights Oregon is the designated Protection and Advocacy agency for Oregon. In that capacity, DRO protects the legal rights of individuals of individuals with disabilities in our state.

As part of that work, DRO has frequently represented and advocated for students with disabilities who have been needlessly and inappropriately removed from the classroom, formally through suspension or expulsion and informally through calls home, shortened school days, and other means. These exclusions frequently occur when students with disabilities experience behavioral dysregulation caused by their disabilities while at school. In many such instances, districts employ practices which unlawfully remove students in violation of their federal educational and civil rights.

While students' federal rights are already too often denied in practice, SB 1572 would go further by codifying these types of violations into law. Under the Supremacy Clause, states may not enact legislation that weakens federally protected rights, as this bill proports to do. SB1572 just adds to the arsenal of tools school districts have to unlawfully remove students from classrooms. For these reasons, DRO strongly opposes SB 1572 to protect students' educational rights and to ensure compliance with the United States Constitution.

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) provide a framework of rights and procedures that are designed to ensure that students with disabilities are not excluded from the classroom absent rare and extreme circumstances.

Classroom learning gives students the opportunity to learn academics, as well as the essential behavioral, social, and emotional skills necessary to promote independence and increase successful student outcomes. The importance of educating students in the least restrictive educational environment with non-disabled peers whenever possible is robustly supported by multiple federal statutes including the Individuals with Disabilities

Education Act. In broad strokes, IDEA provides a consistent protective legal framework which is constructed to ensure that students with disabilities are not easily or unnecessarily returned to the sort of exclusion from school that was the norm until IDEA's passage decades ago.

Unlike SB 1572, the IDEA and other federal laws include strict procedural protections to ensure that students with disabilities are not disciplined or excluded from school for behaviors that are the result of their disabilities or district failures to provide effective behavioral supports and services.

The IDEA and Section 504 require that when a student with a disability engages in behavior that leads to removal, districts must review whether the behavior is related to the student's disability and whether appropriate supports and services were provided. However, SB 1572 allows students with disabilities to be disciplined and removed from the classroom for "disruptive behavior," irrespective of the connection between the behavior and the disability or whether the district failed to provide required services and supports. By omitting basic procedural protections around removals, the bill increases the likelihood that students with disabilities will be treated differently and subjected to discriminatory practices, in violation of the principles underlying the IDEA, Section 504, and the ADA.

Under the IDEA and Section 504, schools must review and, when necessary, revise behavioral supports whenever a student with a disability is suspended for more than ten school days in a school year, or is repeatedly suspended as part of a pattern of behavior. However, SB 1572 permits districts to bypass this required analysis. In doing so, this bill undermines the protective function of the manifestation determination review (MDR) process. The MDR is a critical safeguard because it protects students with disabilities from being punished for behavior that is related to their disability or reflects unmet or inadequately implemented supports. By allowing repeated removals without triggering an MDR, SB 1572 removes the involvement of the IEP team, the group uniquely qualified to evaluate the behavior in the context of the student's disability and to determine whether adjustments to supports or services are necessary. This comprehensive review to ensure the delivery of a Free and Appropriate Public Education¹ (FAPE) is replaced by the whim of the classroom teacher without any recourse.

¹ Under IDEA, even when students with disabilities are removed from their current educational placements for strictly proscribed periods of time due to disruptive behavior, their entitlement to all services and supports needed for them to access the general education curriculum and make meaningful progress toward measurable, ambitious, and appropriate educational goals continues. Those services and supports are enumerated in an Individualized Educational Plan, a document that is collaboratively created by an IEP team that includes parents in

HB 1572 would exacerbate the already problematic practice of removing students from the classroom rather than investing the time and resources necessary to appropriately support, instruct, and place in the least restrictive environment, as DRO's experience shows routinely and disproportionately impacts students with disabilities.

DRO regularly hears from families whose school districts have found creative or blatant ways to remove students from the classroom without complying with the requirements of the IDEA and Section 504. Many calls involve students who receive only a few hours of instruction per week, parents who are repeatedly asked to pick up their child early, and students subjected to recurring in-school and out-of-school short suspensions. In extreme cases, students who were removed and are unable to engage in instruction at home receive nothing. These practices are inconsistent with federal law. Nevertheless, they persist.

SB 1572 would only exacerbate this problem by encouraging informal removals based on whatever a teacher subjectively deems "disruptive behavior." Such determinations are likely to vary based on a teacher's tolerance level, mood, perceptions or implicit bias and stereotyping of a student. Rather than incentivizing districts to proactively address academic or behavioral needs early and appropriately, SB 1572 effectively functions as a "get out of jail free" card to allow districts to remove students with disabilities instead of providing the supports the law requires. This bill provides an easy solution for a teacher in the moment with dire consequences for the students and Oregon's overall educational outcomes.

For the above reasons, DRO strongly urges this committee to not spend any more time on an unconstitutional bill that is harmful to students with disabilities. Do not provide school districts another avenue to deny students FAPE by crafting a disciplinary option that reduces the educational rights of students with disabilities.

DRO appreciates this Committee's attention to this issue and its continued commitment to protecting the rights of Oregon students with disabilities.

Sincerely,

A handwritten signature in black ink that reads "Sue Gall". The signature is fluid and cursive, with "Sue" on the top line and "Gall" on the bottom line.

a process that contains many procedural protections.

Suzanne Gall, Esq. on behalf of
Disability Rights Oregon
Special Education COPAA Fellow