

A Resolution for the Washington County Democratic Central Committee
Resolution # 2022-000
Regarding **Special Education Testing and Disability Identification**

as recommended 7/27/2022

Although there are laws in place to support enhancements in education structures that support Special Education (SPED) testing through schools and 504 accommodations through doctors, it is often the reality that parents have to navigate byzantine structures, and act as strong advocates for their children year-round to get the needed services. The current systems in the school districts within Washington County and the state of Oregon are complicated, and rely on followthrough from Special Needs advisors, including “student advocates,” testing specialists, and lawyers. These specialists are frequently understaffed and overworked, with one being split between three or more schools, or even just one per school district. Further complicating the process, schools are in charge of IEP evaluations, and doctors are in charge of 504 evaluations. Without being or becoming subject matter experts, parents often find themselves asking the wrong questions to the right people, or the right questions to the wrong people.

With the diverse population in Washington County, it is a likely outcome that a great number of parents (and realistically even teachers) will not know or understand how to navigate through the SPED evaluation hurdles effectively, and when to instead pursue a 504 accommodation process. This will mean, and **has meant** that many children will fall through the cracks. Not receive that kind of education that will provide the pathways for them to excel in the future.

Two likely ways that this has been shown to happen is:

1. Parents ask for evaluation, and schools reject students for an IEP based on a lack of educational disparity, but the parents do not know that a 504 is an alternative path to provide needed accommodations for children that do not have educational disparities.
2. Parents are directed by schools to doctors for medical diagnoses or evaluations, and the doctors don't know how to handle the process. Doctors sometimes then refer parents to the schools, when the medical diagnosis of special needs lies squarely in the medical system.

All of these issues are exacerbated even more for children of single parents, girls (who are historically under-evaluated), children in poverty, and kids from historically marginalized communities.

Our state needs to assure that school districts and doctors are following all the federal and state laws that apply to special education identification and testing, and to go beyond the written requirements of those laws to make sure that children with special or divergent needs (otherwise known as “disabilities”) have those needs identified. Our state legislators must continue to fund our school systems so that these needs can be properly identified, and ideally increase funding for options to coordinate care between the school district and medical professionals.

We call for the State of Oregon to fund an investigation into the current system for identifying neurodivergence, emotional needs, children who are suffering in silence, lashing out at home, living through adverse childhood experiences, and/or external pressures. This project, once ideated, will

need to be supported by the training and staffing of school Counselors, Psychologists, and Social Workers - which we feel needs to start immediately.

- A. WHEREAS the Individuals with Disabilities Education Act (IDEA) makes available a free appropriate public education to eligible children with disabilities throughout the nation, and ensures special education and related services to those children,”¹ and
- B. WHEREAS children with “disabilities” are known to develop coping mechanisms to bury, hide, or obscure their internal struggles, and/or otherwise mask their need for different learning environments and/or approaches (such as would be provided under Section 504 if identified), and
- C. WHEREAS the Individuals with Disabilities Education Act (IDEA) makes available evaluations for students to whom SPED needs are suspected, and
- D. WHEREAS the Individuals with Disabilities Education Act (IDEA) ensures that:
 - (i) *All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and*
 - (ii) *A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.*
- E. WHEREAS it is the legal burden of the school and school district to provide “Prior Notice” to parents regarding the state of an evaluation, the results, and an evaluation closure; thus helping to insure end to end communications and clarity for parents, and
- F. WHEREAS Child Find is the School Districts requirement to conduct testing at the parents or teachers request unless there is "no reason to assume that there might be a learning difference," and noting that some differences that could hidden by young learners, leading to false rejections based solely on peer equivalency, and
- G. WHEREAS schools have been coping with Covid 19, mask mandates, and remote education, in an understaffed environment means children are less likely to have been identified (via traditional Child Find procedures) , and
- H. WHEREAS the same issues identified in G create a more traumatizing environment for children making them more likely to need SPED services.

THEREFORE we call on the school districts of Washington County, and the State of Oregon to:

1. Utilize the Early Learning Transition Check-In (which will replace the Kindergarten Assessment) when it becomes available to assure that families will be meaningfully supported in building relationships with their kindergarten educators and able to share their perceptions of and experiences with their child as they enter kindergarten.
2. Initiate a “Neurodiversity Positive” PR campaign to change society’s outlook on different mental abilities and hurdles that come with being more than one standard deviation from the mean of society. As Microsoft, Ernst and Young, Ford, and JP Morgan (to name a

few) are starting to recognize the strengths that come with neurodiversity, we hope so too can society. This PR campaign should include recommendations that all Colleges reevaluate curriculum to train the next generation of education and psychological professionals that early identification is crucial to children's development, self esteem, and even safety; and in-so-doing cease and desist teaching “Learning Disabilities” and neurodivergence (like - but not limited to - ADHD and the Autistic spectrum) as a label to be avoided.

3. Identify a “Process Navigator” as the primary contact for each parent entering into a 504 or IEP evaluation for their child. This person should explain requirements, answer questions, and give support as needed throughout the process. This information should include the difference between an IEP or SPED evaluation and the 504 identification process. This Process Navigator can help the parents understand the IEP process, prepare for meetings, and provide support during meetings - including taking notes, and post-meeting follow-up. The Process Navigator may be a trained peer parent or a designated independent staff member. Attempts should be made to reflect the diversity of students in the available parent navigators, and parents should be able to choose their navigator, or change to a different navigator at any time.
4. Ensure that parents’ insights into their child and their concerns should be part of the determination of whether and how a child should be assessed. During the assessment, parents' knowledge and feedback should be an equal part of that process. Information provided to parents should be in non-specialist language and terminology, and it should be understood that when they speak, they may not use the same language as specialists. Parents should also be given clear and easy to find directions translated into most-used second languages of students which should include information distinguishing the difference between an IEP and a 504 evaluation and the process to pursue each of these.
5. Advocate for full staffing of and funding of all schools (regardless of area property taxes) including a counselor, psychologist, nurse, speech/language pathologist, and social work positions. Class sizes should also be small enough that students who may experience social / emotional / medical / behavioral challenges can be identified and receive appropriate support before these issues adversely affect their school performance, or personal development. If outside of a School District’s budget, in order to ensure the success of all students, the State of Oregon should help fund these requirements.