

March 28, 2024

Portland Public School (PPS) District
Board of Education
schoolboard@pps.net

Dear PPS Board of Education Member,

FACT Oregon is a statewide nonprofit that strives for disability equity and empowers families and communities to navigate and advocate for the supports and opportunities people with disabilities need to thrive at home, in school, and in community. Since 2012, we have served as Oregon's state and federally designated Parent Training and Information Center for special education.

Disability Rights Oregon is a statewide nonprofit that works to promote and defend the rights of children, youth, and adults with disabilities. Since 1977, Disability Rights Oregon has served at the federally mandated Protection and Advocacy System for Oregon. Disability Rights Oregon is authorized by Congress to act as a watchdog agency for our clients.

We write to you today because all children have the fundamental right to a public education, and we believe that districts **must** allocate funding in ways that protect this right for students with disabilities. **FACT Oregon, Disability Rights Oregon, and the families we represent have significant concerns over proposed budget cuts in school districts across the state, including PPS, and we adamantly oppose budgetary measures that disproportionately harm students with disabilities.**

THE ISSUE

When school districts facing budget shortfalls propose cuts that unfairly and unequally jeopardize resources crucial to students with disabilities, they undermine equity and inclusivity goals. Even when facing difficult budgetary challenges, school districts must preserve essential services for students who experience disabilities, including academic and behavior supports, speech therapy, assistive technology, and other related services as outlined in individualized education programs (IEPs). Guaranteeing the availability of these services enables students to fully engage in their school communities and access their right to a quality education.

Access to a free appropriate public education in the least restrictive environment, with specially designed instruction and related services, is a legal right under the federal Individuals with Disabilities Education Act (IDEA). Despite this mandate, Oregon has a long way to go to close academic achievement gaps for students with disabilities.

According to the [2022-23 Oregon Statewide Report Card](#), students with disabilities consistently lag their peers over the course of their education. By 11th grade, only 15% are proficient in English Language Arts, 11% in science, and less than 5% in math. In comparison, 46% of all 11th graders are proficient in English Language Arts, 33% in science, and 20% in math. Academic underperformance, coupled with

disproportionately high rates of disciplinary action and chronic absenteeism, yields graduation rates for students with disabilities that are consistently 14 points below the state average.

OUR POSITION

FACT Oregon and Disability Rights Oregon strongly oppose cuts to school district budgets that disproportionately impact students with disabilities. Education funding should be allocated in a manner that guarantees students with disabilities access to a quality education. Budget decisions must not worsen existing inequities, create additional barriers to education for any student group, or force students and their families to compete for limited resources.

Portland Public Schools Proposed Cuts Disproportionately Impact Students with Disabilities.

The budgetary cuts that PPS has communicated to date have a disproportionate impact on children in special education. Examples of these cuts are:

- **Feeding Team:** The Feeding Team provides critical training to teachers and staff on feeding protocols to prevent choking, provide safe tube feeding, and ensure students with complex medical needs receive nourishment while at school. This work requires training, specialized skill and expertise, and experience to make sure children are safe at school.
- **Assistive Technology Team (AT):** The Assistive Technology Team supports the utilization of specialized communications technology and other tools deemed essential by IEP teams to support students in effectively communicating and accessing their free appropriate public education. The proposed changes may effectively deny or delay access to AT for students who have augmentative communication and assistive technology support in their IEPs.

While we understand from Jey Buno's memo to the board dated February 28, 2024, that the district has been working to train school-based professionals over the last two years, we remain concerned about the following issues that create risk for these vulnerable children:

- The proposed transfer of responsibility for feeding and AT is to Speech Language Pathologists (SLPs) and Occupational Therapists (OTs) who already have caseloads significantly higher (nearly double) than their contractual targets.
- There are no clearly outlined measures to ensure new staff are trained properly in feeding & AT services.
- There is no guarantee that an SLP or OT will agree to extended responsibilities and hours as needed to provide this vital service.
- **Adaptive Physical Education (APE):** All students have a right to receive physical education (PE). It introduces and keeps kids involved in sports and physical activities, builds self-esteem, physical independence, and friendships, and promotes physical and mental well-being. It is also defined in the Individuals with Disabilities Education Act.

Adaptive PE is specially designed instruction that is provided to students whose IEP teams determine a need for that support to access physical education. However, we understand that the way in which APE has been provided has led to some students without APE identified in their IEPs

accessing this specially designed instruction.

We are concerned that students who received APE as part of their day may be put at a disadvantage through categorical removal from that service before IEP teams have met and discussed a student's present levels to determine if APE is in fact warranted for the student.

- **Behavior Support Teams:** Staff who are specially trained to support students whose behavior impacts their learning, or the learning of others, provide a critical service and support to other educators and students. The Board Certified Behavior Analysts (BCBA) teams are a critical part of this team and have very specialized skills.

Without these licensed professionals, we are concerned about how staff who are directly student-facing will receive proper training and help to implement behavior supports as identified in students' IEPs, Functional Behavioral Assessments (FBAs), and Behavior Support Plans (BSPs).

PORTLAND PUBLIC SCHOOLS NEEDS TO BE TRANSPARENT REGARDING PROPOSED CUTS

PPS has shared that they are working on a \$30 million budget cut for the next school year, and that half of the needed cuts will come from the District Central Office and half will come from schools. Dr. Sandy Husk's email dated March 14, 2024, states that "these initial staffing decisions were proposed with the goal of reducing operations with minimal student impact while supporting student achievement." However, many of the cuts listed above are to professionals who are designated as "District Office Staff" but who provide essential services to students with disabilities, either in direct or consultative support.

Additionally, while we understand Dr. Husk will share the final budget on April 23, 2024, we are concerned that there are not authentic and responsive ways for families to proactively participate and inform the budget process. Families share:

- They do not know who Community Budget Review Committee members are.
- Opportunities to give feedback have been buried in long emails, and plain language was not used to describe these opportunities or why they are important.
- For the initial meeting, there was not any advance notice given to families to allow them to meaningfully participate. The invitation was actually sent during the scheduled meeting.
- The other two opportunities (April 11 and April 22) are too close to April 23 to allow for meaningful feedback.

Students with disabilities make up roughly 16% of PPS's student population, and these cuts appear to disproportionately impact these students. We understand the complexities of special education funding and budgets and believe it is not the responsibility of students with disabilities to bear the disproportionate burden of these cuts.

We implore PPS leadership to make these budget decisions with the utmost transparency and integrity. Each of the cuts above has the potential to have a significant impact on children receiving special

education services. Collectively, these changes could severely limit access to free appropriate public education and have lasting impact.

UNINTENDED CONSEQUENCES ARE DEEPLY CONCERNING AND HAVE A LASTING IMPACT

As shared above, students with disabilities face a huge achievement gap compared to their nondisabled peers. If the goal of the district is as Dr. Husk stated, “minimal student impact while supporting student achievement,” then we struggle to see how these cuts do not contribute to a widening of the achievement gap.

With the nationwide teacher shortage, we know that school districts across the state — including PPS—are having tremendous difficulty hiring and retaining special educators and specialized staff. Experience shows that districts—including PPS—often must hold career fairs mid-year after cutting positions at the end of the prior year. This creates an environment that is unattractive to educators and places an undue burden on the remaining staff and the marginalized population they are trying so hard to serve.

The budgetary decisions that are made now—and the methods with which they are implemented—will have very real consequences on students and families. These decisions can erode confidence in district strategic planning, its implementation of new, best-practice service models, and its relationships with the students and families PPS is charged to serve.

REQUEST FOR ACTION

We urge the Portland Public Schools Board of Education and District leadership to reevaluate proposed cuts and adopt a budget which safeguards and does not compromise special education services. Solutions must be found that do not negatively impact the ability of students with disabilities to access their right to a quality public education and exacerbate efforts to close achievement gaps.

District leadership should seek to **meaningfully** involve stakeholders—including special education staff, students, and families—in transparent budget deliberations, ensure that budget decisions are informed by those directly impacted, and explore alternative revenue streams and cost-saving measures that do not compromise special education.

FACT Oregon and Disability Rights Oregon are happy to offer our services as a resource and would welcome the opportunity to discuss how we might consult with district leadership and/or support listening and informational sessions for families.

Thank you for your consideration,

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