

Disability rights groups sue Oregon in federal court

Suit claims students shortchanged

Associated Press

SALEM — Disability Rights Oregon and four other groups filed a class-action lawsuit Tuesday against the state of Oregon in U.S. District Court saying the state denies hundreds of children with disabilities the right to attend a full day of school.

The lawsuit filed in federal court in Eugene comes on the first day of Oregon's legislative session and names Gov. Kate Brown, the Oregon Department of Education and its director, Colt Gill, as defendants.

It says that children with disabilities are frequently removed from the general classroom and given instruction separately or are sent home because of disruptive behaviors. In some cases, the students remain out of class for days or weeks, according to the complaint, and the problem is worse in small and rural districts.

Brown's office didn't immediately return a message seeking comment.

Marc Siegel, spokesman for the Oregon Department of Education, said he could not comment on pending litigation, but added in a state-

ment that the department is "committed to equity and excellence for every learner."

The state has made a handful of efforts to reduce the use of shortened days in the last few years. But Disability Rights Oregon attorney Joel Greenberg told The Statesman Journal that the situation is getting worse, not better.

"What's happening is hurting a lot of children every day," he said. "They have a disability, and that disability makes it hard for them to understand and regulate their own behavior."

"I would like other parents to understand what it might be like just because your child is different in some way and they are told they don't belong in school ... that they won't get the same opportunities."

The lawsuit was filed by a list of concerned families, attorneys and advocates, including Disability Rights Oregon, the National Center for Youth Law, the Council of Parent Attorneys and Advocates and the Bazelon Center for Mental Health Law.

The lawsuit says children as young as 5 and 6 are routinely excluded from attending a full school day with their peers because of their disability-related behaviors.

Some of these children receive as little as one or

two hours of instruction a day instead of the six hours their classmates typically receive. One child Greenberg has represented was denied a full day before he even began attending school, he said.

When children are in school, instruction often takes place in a separate classroom where they have little opportunity to interact and learn with their peers, despite research that says they are far more likely to enjoy academic and social success when allowed to do so, the complaint says.

"It's similar to what happens on a snow day or unannounced day off of school, only it goes on forever," he said.

Under federal law, the state must ensure that all students receive an appropriate education without discrimination based on disability.

State law allows students to be placed on an abbreviated schedule in some instances.

In those cases, parents must have had an opportunity to meaningfully participate in the placement, and school specialists that help craft the child's education plan must show they considered at least one other option. That team must also document the reasons why an abbreviated day is necessary.

Astoria turns to recruiter to find development director

The city's search has lasted more than a year

By KATIE FRANKOWICZ
The Daily Astorian

After more than a year without a community development director, Astoria is turning to a recruiter to find candidates as permit requests remain high and major projects and complex discussions about future development move forward.

The city has been without a community development director since former director Kevin Cronin left in 2017.

City Manager Brett Estes has since posted the job multiple times and interviewed several candidates.

"That has not proved to be a fruitful process," Estes told the City Council on Tuesday.

Recent candidates decided to remove their names from consideration at the last minute for various reasons.

Though it is common for the city to use recruiters when it comes to hiring positions like the police chief or fire chief, this is the first time Estes has used a recruiter to hire a community development director.

After working with the city's human resources staff to compile a list of firms that specialize in recruiting for public agencies, Estes will consider hiring a consultant later this week.

The search for a new community development director came at a time when the city was already down a police chief after Brad Johnston's abrupt retirement. The long-planned retirements of the

public works director and fire chief followed. Then, last summer, the parks director announced she was taking a job in Colorado.

Now, only the community development director and the fire chief positions remain vacant. Richard Curtis was hired as interim fire chief in September and Estes plans to interview several candidates for the permanent job at the end of the month.

The city is not alone in its struggle to find someone to head community development. Other cities on the coast have reported long searches for city planners and planning department leaders.

In the meantime, Estes has brought in other consultants to help with projects, including former city planner Rosemary Johnson and Mike Morgan, who served as interim director after Cronin left. The city also recently contracted with Heidi Dublac to help with code enforcement and other projects. Dublac, who has a planning

background, co-owns Good to Go, a to-go sandwich, soup, salad and pastry shop in Astoria.

Since Cronin left, community development staff have handled several large, sometimes contentious projects that involved multiple appeals, most notably an application by Hollander Hospitality to build a four-story hotel on the Astoria waterfront.

At the same time, staff have also started the process of crafting guidelines and standards for the final piece of the city's Riverfront Vision Plan, the Urban Core. The plan guides how development occurs along the Columbia River.

They have also launched "Uniontown Reborn," looking at how to address the city's western gateway with streetscape improvements and zoning changes, as well as creating a homestay lodging permit process to curb illegal Airbnb-type vacation rentals.

Shutdown makes it tough to help whales

By PATRICK WHITTLE
Associated Press

PORTLAND, Maine — Rescuers who respond to distressed whales and other marine animals say the federal government shutdown is making it more difficult to do their work.

A network of rescue groups in the U.S. works with the National Oceanic and Atmospheric Administration to respond to marine mammals such as whales and seals when the animals are in trouble, such as when they are stranded on land or entangled in fishing gear. But the federal shutdown, which entered its 33rd day today, includes a shuttering of the NOAA operations the rescuers rely upon.

NOAA plays a role in preventing accidental whale deaths by doing things like tracking the animals, operating a hotline for mariners who find distressed whales and providing permits that allow the rescue groups to respond to emergencies. Those functions are disrupted or ground to a halt by the shutdown, and that's bad news if whales need help, said Tony LaCasse, a spokesman for the New England Aquarium in Boston, which has a rescue operation.

"If it was very prolonged, then it would become problematic to respond to animals that are in the water," LaCasse said. "And to be able to have a better handle on what is really going on."

The shutdown is coming at a particularly dangerous time for the endangered North Atlantic right whale, which numbers about 411, said Regina Asmutis-Silvia, a senior biologist with Whale and Dolphin Conservation of Plymouth, Massachusetts. The whales are under tight scrutiny right now because of recent years of high mortality and poor reproduction.

NOAA recently identified an aggregation of 100 of the whales south of Nantucket — nearly a quarter of the world's population — but the survey work is now interrupted by the shutdown, Asmutis-Silvia said. Surveys of rare whales are important for biologists who study the animals and so rescuers can have an idea of where

they are located, she said. No right whale mortalities have been recorded so far in 2019, but there have been at least 20 since April 2017.

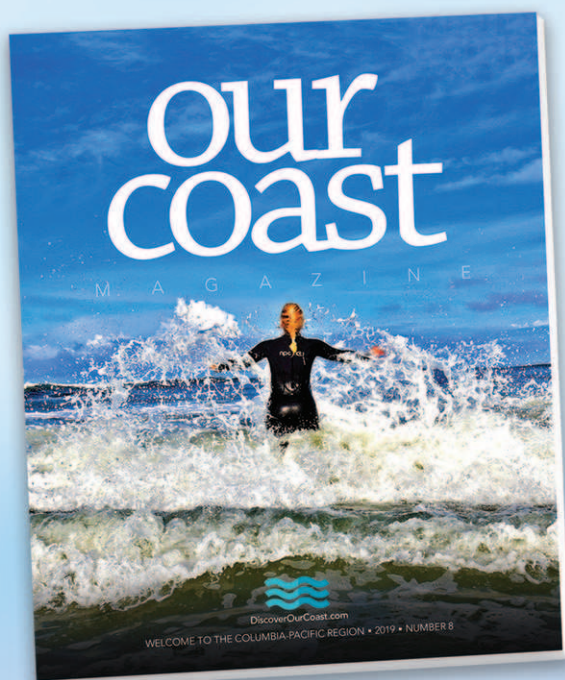
"There's a really significant impact on marine mammal conservation based on this shutdown," Asmutis-Sil-

via said. "We have little to no ability to find them because of NOAA's being furloughed."

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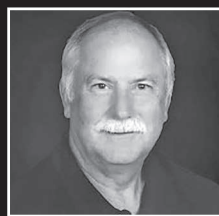
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