

## SENATE COMMITTEE ON EDUCATION

March 08, 2001 Hearing Room B  
3:00 p.m. Tapes 40 - 45

**MEMBERS PRESENT:** Sen. Charles Starr, Chair  
Sen. Susan Castillo, Vice-Chair  
Sen. Ryan Deckert  
Sen. Ted Ferrioli  
Sen. Bill Fisher  
Sen. Avel Gordly

**MEMBER EXCUSED:** Sen. Tom Hartung

**STAFF PRESENT:** Jan McComb, Administrator  
Jennifer Simmons, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 327 – Public Hearing and Work Session  
SB 40 – Work Session  
SB 690 – Public Hearing and Work Session  
SB 648 – Public Hearing

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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TAPE/#	Speaker	Comments
<b>TAPE 40, A</b>		
005	Chair Starr	Opens meeting at 3:04 p.m. Opens public hearing on SB 327.
<b><u>PUBLIC HEARING – SB 327</u></b>		
017	Grattan Kerans	Says that the bill does not have a referral to Ways and Means but they do believe that it should go there. Explains the bill. Submits written material ( <b>EXHIBIT A</b> ).
045	Sen. Deckert	Asks if these are fees that the students vote on.
048	Kerans	Answers that the fees are decided by a board. Explains the process by which students and board members collaborate.
058	Chair Starr	Close public hearing and opens a work session on SB 327.
<b><u>WORK SESSION - SB 327</u></b>		
060	Sen. Castillo	<b>MOTION: Moves SB 327 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.</b>
063		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Fisher, Hartung</b> <b>Hearing no objection, declares the motion CARRIED.</b> Closes work session on SB 327 and opens work session on SB 40.
<b><u>WORK SESSION – SB 40</u></b>		
074	Sen. Ferrioli	<b>MOTION: Moves SB 40 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.</b>
082		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Fisher, Hartung</b> <b>Hearing no objection, declares the motion CARRIED.</b> Closes work session on SB 40 and opens public hearing on SB 690.
	Chair Starr	

**PUBLIC HEARING – SB 690**

095	Louis Pitt Jr.	Native American. Introduces the tribes represented at the hearing. Speaks about the loss of the Native American language.
127	Sen. Clarno	District 27. Stresses the importance of this bill. Relates stories from Native Americans regarding this issue.
165	Sen. Brown	District 7. States her support of the bill and the –1 amendments. Says that it is important for these languages to not disappear because it will affect their culture. Urges the committee to pass the bill.
215	Myra Shawaway	Confederated Tribes of Warm Springs. Reads from written testimony ( <b>EXHIBIT B</b> ).
291	Suzie Slockish	Confederated Tribes of Warm Springs. Testifies in favor of the bill in her native language.
360	Patricia Miller	Confederated Tribes of Warm Springs. Testifies in favor of the bill in her native language.
428	Chair Starr	Asks if those languages are written.
432	Shawaway	Answers that all three languages are written.
<b>TAPE 41, A</b>		
014	Radine Johnson	Confederated Tribes of Warm Springs. Speaks in her native language. Says that her native language is disappearing.
033	Gladys Thompson	Confederated Tribes of Warm Springs. Says that she is a teacher of their language. Says that it makes her happy to pass the language on to other Native Americans. Expresses hope for the children of the future to not have lost their native language.
058	Madeline McInturff	Confederated Tribes of Warm Springs. Testifies in her native language. Says that their language was taken away from them. States her pride in her granddaughter for learning the language and teaching it to others.
104	Armand Minthorn	Umatilla Tribes. States his support of SB 690. Asks for the committee to continue their support and pass this bill.
164	Chair Starr	Asks if they have begun to write their language.
167	Minthorn	Answers that they have begun this process and are currently verbally teaching verbally in elementary schools..
174	Sen. Fisher	Asks if they use the English alphabet for their language.
175	Minthorn	Answers that they use a linguist that uses the English language but they are looking into establishing their own alphabet.
186	Edith McCloud	Umatilla Tribes. Testifies that she is one of only a few that know their native language. Says that when the elders are gone there will be too few to pass the language on to their descendants. Says that they have just completed a dictionary of their language. Expresses concern that their language is slowly being lost. Says that when they have no language they are no longer Indian.
333	Kathleen Gordon	Umatilla Tribes. Says that they were given this language and they need to work to keep it.
360	Mildred Quaempts	Umatilla Tribes. Testifies in her native language. Expresses concern over losing their language. Says that when their children know their language, they will be able to understand their culture as well.
<b>TAPE 40, B</b>		
044	Minerva Soucie	Burns Pauite Tribe. Gives a brief history of the tribe. Says that they want to keep their language alive. Urges passage of the bill.
099	Ruth Lewis	Burns Pauite Tribe. Testifies in her native language.
136	Lillian Maynard	Burns Pauite Tribe. Translates the previous speaker's words into

183	Beth Anne Darby	English. Says that preserving their languages is very important so the young children will be proud of their culture. Oregon Education Association. States the association's support of the bill with the -1 amendments requiring mentorship to teach in classrooms.
210	Janne Underriner	Linguist, University of Oregon. States her support of the bill. Says that we cannot feel how these Native Americans feel. Says that they have lost about eighteen native languages. Says that this bill is important for all of us.
297	Sen. Deckert	Asks what she thinks of the mentorship program.
314	Underriner	Answers that she is not clear about this program.
321	Darby	Explains the mentorship program.
349	Sen. Deckert	Says that he has concerns about requiring a mentorship program.
366	Underriner	Says that many teachers would be interested in furthering their development and would probably like to learn these languages.
400	Justin Martin	Confederated Tribes of Grand Ronde. Submits written testimony <b>(EXHIBIT D)</b> .
422	Tony Johnson	Confederated tribes of Grande Ronde. Testifies in his native language. Says that too many languages have been lost already and they do not want to lose the one they have left.

**TAPE 41, B**

005	Chair Starr	Acknowledges the importance of preserving these languages. Closes public hearing on SB 690 and opens work session on SB 690.
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**WORK SESSION – SB 690**

<b>030</b>	<b>Sen. Ferrioli</b>	<b>MOTION: Moves SB 690 to the floor with a DO PASS recommendation.</b>
043	Sen. Gordly	Says that this is a moment in history. States that she believes the -1 amendments to be "arrogant and offensive".
<b>073</b>	<b>Chair Starr</b>	<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Hartung</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. CLARNO AND SEN. BROWN will lead discussion on the floor.</b> Closes work session and opens public hearing on SB 648.

**PUBLIC HEARING – SB 648**

100	Sen. George	States his support of this bill. Urges passage by the committee. Submits written material <b>(EXHIBIT E)</b> .
108	Therese Steward	Parent. Reads from written testimony <b>(EXHIBIT F)</b> . Submits written material <b>(EXHIBIT G)</b> .
350	Barbara Ash	Parent. Relates the story of her twenty two year old son who is retarded, autistic, and epileptic. Stresses that every autistic child is different and has to be helped differently. Says that she learned that autistic children need one on one tutoring. Explains the effects the autism had on her son. Says that school districts do not always know what is best for their children

**TAPE 42,A**

025	Karen Hershey	Parent. Relates personal story of her daughter whom has recovered from autism. Speaks about her daughter retreating into her own world. Says that her daughter was placed in the public special education program. Explains the inadequacies in the program.
257	Dave Adams	Parent. Speaks about ineffective treatment and lack of funding. Reads from written testimony <b>(EXHIBIT H)</b> .

**TAPE 43, A**

085	Sen. Gordly	Acknowledges that all of the members have received many letters and e-mails from parents in support of this issue.
119	Susan Petrie	Parent. Submits written testimony <b>(EXHIBIT I)</b> . Says that they have found ABA to be the most effective treatment of their son.
200	James Toews	Department of Human Services. Reads from written testimony <b>(EXHIBIT J)</b> .
249	Sen. Fisher	Asks what is wrong with a financial determination.
261	Toews	Answers that he did not intend to imply that he felt it to be wrong. Explains that the same level of service would have to be provided for all special education children.
284	Sen. Fisher	Asks if people can share the cost or just pay if they can.
299	Toews	Answers that the bill itself requires that all special education needs be met through Medicaid dollars if not covered in the basic special education program.
322	Maxine Kilgrease	Director, Special Education, Portland Public Schools. Testifies in opposition of the bill. Shares the challenges that this bill poses. Agrees that ABA is a good treatment but should not be specified as the only treatment. Says that methodology would conflict with federal statute. Says that each staff member would require 180 hours of grad level training for ABA at a cost of at least \$45,000.

**TAPE 42, B**

007	Chair Starr	Asks what data she has on outcomes in the current program.
009	Kilgrease	Answers that the outcomes are based on individuals. Reiterates that ABA has helped some students.
015	Chair Starr	Asks why they do not have this kind of data.
025	Kilgrease	Answers that she will provide the data at a later date.
029	Sen. Fisher	Asks if the charts that were previously shown are accurate to her knowledge.
032	Kilgrease	Answers that she did not see the charts but would not differ from their statistics.
044	Henry Wiens	Executive Director, Special Programs, Hillsboro School District. Testifies in opposition to the bill. Reads from written testimony <b>(EXHIBIT K)</b> .
171	Sen. Gordly	Asks if parents have equal power in IEP situations.
176	Wiens	Answers that parents can but do not always take advantage of their equal power. Says that parents are often intimidated by the setting.
190	Chair Starr	Asks how many placements to private schools have been made through the IEP process.
197	Weins	Answers none that he knows of.
200	Chair Starr	Says that a program that yields such good results should be implemented.
219	Sen. Fisher	Asks how many requests have been made to be placed in private schools that were denied.
225	Weins	Answers about two or three in the last seven years.
238	Sen. Fisher	Asks if the parent pulled out the student due to frustration with the public school system.
250	Weins	Answers that they try to place in the least restrictive environment for learning. Says that these students were best suited for the public program.
261	James Switzer	Testifies in favor of the bill. Reads from written testimony <b>(EXHIBIT L)</b> .

339	Sean Steward	Physician, Neurobiology. Says that he has a son that is autistic and blind. Compares autism to a cancer that takes the brain and not the body. Expresses a desire to treat this as a disease that needs to be treated.
394	Dr. Gene Stubbs	Oregon Health Sciences University. Testifies in support of the bill. Reads from written testimony <b>(EXHIBIT M)</b> .
<b>TAPE 43, B</b>		
003	Sen. Ferrioli	Asks if any other states make ABA available through the public schools.
008	Stubbs	Answers that he does not know for sure.
014	Sen. Ferrioli	Asks if he has enough expertise to decide if this is appropriate for an academic situation.
018	Stubbs	Answers yes.
021	Sen. Ferrioli	Asks if he believes the current programs to be working.
026	Stubbs	Answers that something is not working under the current programs.
030	Steward	Explains that Massachusetts, New York, Pennsylvania, Maine, and Connecticut are just a few states that currently use ABA.
046	Sen. Ferrioli	Asks if the public and private school programs' curriculum are the same.
049	Steward	Answers that typically private schools are better but that the public school's programs are better than those in Oregon.
055	Sen. Ferrioli	Asks if there is a relative cost comparison between the two types of schools.
058	Steward	Answers that she is unsure but believes that the costs would be close to the same.
071	Kathy Harris	Parent. States her support of this bill. Says that she has a five year old autistic son. Says that aides feel like babysitters and do not feel trained enough to work with these students.
134	Leslie Pitchford	Parents. Relates the story of her daughter to the committee. Says that her daughter has progressed very well with ABA treatment. Says that she could have progressed sooner but they were never told about ABA. States that the previous programs were a waste of time and money.
204	Seth Alford	Parent. Reads from written testimony <b>(EXHIBIT N)</b> .
345	Patsy Nelson	Parent. Testifies in favor of the bill. Reads from written testimony <b>(EXHIBIT O)</b> .
411	Laurie Wimmer Whelan	Oregon Education Association. Testifies in opposition of the bill. Reads from written testimony <b>(EXHIBIT P)</b> .
<b>TAPE 44, A</b>		
026	Barbara Marrion	Director, Special Education, Beaverton School District. Says that they have 174 students diagnosed with autism. States her opposition to the bill. Says that they support ABA. Explains some of the programs that are currently offered in their district.
084	Sen. Ferrioli	Asks how the programs in Beaverton differ from other districts.
086	Marrion	Answers that she is not sure of what other districts are doing.
090	Sen. Ferrioli	Asks if training is provided to aides in their district.
092	Marrion	Answers that they do and she has attended the training herself.
098	Sen. Ferrioli	Asks if she is prepared to amend the bill to a version that she might support.
102	Marrion	Answers that she has not thought of doing that, but there are a lot of parts of the bill that she does not agree with.
114	George Mead	Parent. Testifies in favor of the bill. Tells the story of his son. Specifies Section 18 as the part that he particularly supports.

Says that he has made two records requests and have been told that these records do not exist. Comments that they have requested integrating ABA with the current program and the ESD became almost irate that ABA would do better than their program.

261 Sen. Fisher  
265 Mead

Asks about the effects of mercury.

Answers that it is one of the most toxic substances. Says that it is used because it is inexpensive. Comments that it is a growing problem because the number of vaccinations given to children has climbed to thirty five. States that there is evidence that this overuse of mercury can cause the autism symptoms.

305 Jovan Robello

Autistic child. Says that if not for the education that he was given through ABA he would still be eating bugs and grass. States that he does not believe the public school programs have student's best interests at heart. Urges the committee to pass this bill.

351 Sen. Fisher

Asks how old Jovan is.

353 Robello

Answers that he is sixteen but does not know his birthdate.

355 Sophie Robello

Parent. Reads from written testimony (**EXHIBIT Q**). Says that she has asked several times for private placement and has been denied every time.

#### **TAPE 45, A**

014 Bette Moksnes-  
Koski

Parent. Reads from written testimony (**EXHIBIT R**).

055 Chair Starr

Says that the committee has heard very compelling testimony. States that this bill has to go to Ways and Means. Closes public hearing and opens work session on SB 648.

#### **WORK SESSION – SB 648**

110 Sen. Ferrioli

**MOTION: Moves SB 648 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.**

116 Sen. Gordly

Says that our state needs to look at how we value our children.

170 Sen. Fisher

Says that we should look into amending this bill before sending it to Ways and Means to die.

244 Sen. Ferrioli

Asks if they will be receiving the bill back in committee after a fiscal impact statement is issued.

250 Jan McComb

Administrator. Answers that they do not need to have a fiscal to move to Ways and Means.

272 Sen. Ferrioli

Withdraws his previous motion to refer to Ways and Means.

280 Chair Starr

Says that we will hold this bill within the committee until it can be amended in a way that would help its passage. Closes work session on SB 648 and adjourns the meeting at 7:48 p.m.

Submitted By,

Reviewed By,

Jennifer Simmons,  
Committee Assistant

Jan McComb,  
Committee Administrator

#### **EXHIBIT SUMMARY**

**A – written material, SB 327, Grattan Kerans, 6 pp**

**B – written testimony, SB 690, Myra Shawaway, 1 pp**  
**C – written testimony, SB 690, Armand Minthorn, 4 pp**  
**D – written testimony, SB 690, Justin Martin, 1 pp**  
**E – written testimony, SB 648, Sen. George, 1 pp**  
**F – written testimony, SB 648, Therese Steward, 5 pp**  
**G – written material, SB 648, Therese Steward, OS**  
**H – written testimony, SB 648, Dave Adams, 6 pp**  
**I – written testimony, SB 648, Susan Petrie, 1 pp**  
**J – written testimony, SB 648, James Toews, 4 pp**  
**K – written testimony, SB 648, Henry Weins, 1 pp**  
**L – written testimony, SB 648, Jim Switzer, 1 pp**  
**M – written testimony, SB 648, Dr. Gene Stubbs, 1 pp**  
**N – written testimony, SB 648, Seth Alford, 2 pp**  
**O – written testimony, SB 648, Patricia Nelson, 1 pp**  
**P – written testimony, SB 648, Laurie Wimmer Whelan, 1 pp**  
**Q – written testimony, SB 648, Sophie Robello, 1 pp**  
**R – written testimony, SB 648, Bette Moksnes-Koski, 1 pp**