

SENATE REVENUE COMMITTEE

March 8, 2001 — 8:30 A.M. - HEARING ROOM A - STATE CAPITOL BUILDING

Members Present: Senator Ted Ferrioli, Chair (absent 8:38 a.m. to 9:30 a.m.)

Senator Lee Beyer, Vice Chair

Senator Susan Castillo

Senator Tony Corcoran

Senator Gary George

Senator John Minnis

Senator Charles Starr

Staff: Paul Warner, Legislative Revenue Officer

Carol Phillips, Committee Assistant

Witnesses: Jean Haliski, Chairman, Multnomah ESD

Ed Schmitt, Superintendent, Multnomah ESD

Barbara Jorgensen, Director of Instruction,
Multnomah ESD

Susan Ritchey, Director of Alternative Education,
Multnomah ESD

John Eddy Hall, Vice Chair, Gresham Barlow School
District Board

Chief Bernie Guisto, Gresham Police Department

Rob Myers, North Central ESD

Laura Pryor, Gilliam County Judge

Rick Howell, Superintendent, South Coast ESD

Miguel Salinas, HEART

Dr, Juan Guzman, retired teacher

Teresa Montoya, parent

TAPE 067, SIDE A

005 Chair Ferrioli Meeting called to order at 8:37 a.m. The meeting was temporarily turned over to Vice Chair L. Beyer while the Chair attended another public hearing.

OPENED PUBLIC HEARING ON SB 260

024 Jean Haliski Testified against SB 260. Without consideration of students who require high-cost special services, the Multnomah ESD could lose over \$12.2 million dollars overall in General Fund revenue. Multnomah ESD supports the equity of educational opportunity; however, equalization does not mean equal dollars.

065 Ed Schmitt Testified against SB 260. There is a connection between educational programs for at-risk students and its transferred impact on other areas of the state General Fund. The concept is to invest in programs targeted at students who have great likelihood of becoming adults involved in high-cost social and mental health services and the corrections system. To put it another way...spend some money now over a few years of a student's life versus spending a lot of money for the rest of that student's life. A way must be found to build others up without tearing others down.

Regarding the circumstances surrounding Oregon's ESDs today, flat funding for several of the ESDs (including Multnomah) would be much more manageable than a 30% reduction over four years, (which would be \$12.2 million for Multnomah ESD). They have been flat-funded since 1998 and have found ways to cut programs and minimize impact on schools as

much as possible. It is imperative that a way be found to maintain at least flat funding with no further reductions.

Questions and answers interspersed.

133 Barbara Jorgensen Testified against SB 260. Multnomah ESD serves special education students aged 5 to 21 years. Their severe disabilities include mental retardation; autism; social, emotional and behavior deficits; severely limited communication skills students; and students with physical and motor delays. The average cost is \$30,000 per student, but the cost can go as high as \$100,000 per student per year. Approximately 78% of the high-cost severely disabled students are at the more expensive end of the scale. Most of the severely disabled students have failed in every setting they have been in before being cared for by the Multnomah ESD and its various settings.

310 Susan Ritchey Testified against SB 260. Discussed alternative education programs available for problem students with behavioral problems. Often these are programs of last resort for "throw-away" children. Multnomah ESD programs serve youths who are in jail, on the run, homeless, pregnant, expelled, or violent. MESD serves the students at greatest risk of becoming liabilities for everyone.

Questions and answers followed.

437 Sen. Castillo Commended Multnomah ESD on the valuable services they provide and the information presented in Exhibit 1.

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043 John Eddy Hall Testified against SB 260. Discussed Exhibit 2.

141 Bernie Guisto Testified against SB 260. Discussed relationship of the Gresham Police Department

with the Multnomah ESD. Pointed out that the recent school shootings happening across the country indicate a larger problem. Youths with guns are not demonstrating the first sign of trouble. These children have given every indication of trouble over a long period of time, but no one paid attention or cared to investigate.

Described the close relationship between the Gresham schools and the Gresham Police Department. The Multnomah ESD sent letters to every parent of every student in every school district of Multnomah County outlining the rules for sending their children to public schools. It specified what type of behavior would not be tolerated, what kinds of things (guns, knives, etc.) would not be allowed on school property, etc. Law enforcement has now become the buffer between students' well being or their entrance into the criminal justice system.

- 245 Schmitt Summarized what Multnomah ESD does for the community and for the students it serves. Because of the nature of a major urban area, Multnomah County has the largest percentage of severely disabled or disadvantaged students.
- 260 Sen. Minnis Commented why he is against SB 260. Equalization for the sake of equalization is a poor choice. Every county in the state requires different levels and different types of services. Merely providing equal dollars statewide per student is too simplistic.
- 308 Schmitt Responded that every part of the state has particular needs that should be funded, and that they don't all need the same services or equal funding. Suggested finding the proper balance between providing a level of effective level of service delivery for all areas of the state, and recognizing the valid differences in certain areas. Rural and remote ESDs have their own special challenges. Equalization is much more complicated than just average dollars per

student.

414 Rob Myers

Testified in support of SB 260. Stated that the proposed amendment to SB 260 offered by his group is not a panacea that will provide universal solutions to ESD problems. They have neither the experience nor the expertise to tell anyone how large urban ESDs should be run. But they can advise how ESD services can be most beneficially distributed to 6600 students scattered over 30,000 square miles. The proposed amendments properly address the relative cost of delivering educational services in frontier rural regions.

The high school has only 40 courses to offer its students compared with over 200 at metropolitan schools. Their students don't need Japanese cooking or indoor fencing, but they do need English, reading, math, science, and foreign language. And they deserve the opportunity to participate in art, music, drama, and inter-scholastic athletics. Equity of services — not equal dollars — is the measure of fairness that should be applied to educating Oregon's students, regardless of where they live.

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033 Judge Laura Pryor

Testified in support of SB 260. Exhibit 3. Stated there is more to defining frontier rural than just distance. Frontier rural Oregon has basic needs like transportation, schools, health care, and communications. Pioneers arriving by way of the Oregon Trail developed the same four systems, and they are just as basic today.

Referred to amendment they are proposing regarding frontier rural ESDs, recommending they be flat funded. Stated there is a base amount of money...and nothing less...that is required to provide basic services to students.

Stated that carved in marble on the outside of the capitol building is a line that reads "... benefits justly distributed..."it does not say

"equally distributed".

128 Chair Ferrioli Commented that the proposed amendments will be included in the overall study of all school funding bills.

Questions and answers interspersed.

166 Rick Howell Testified in support of SB 260. Exhibit 4. Was a member of the ESD study committee that met over the course of one year, taking testimony, doing research, and participating in active discussion. In the end, ESDs were determined to be best method of delivering regional services, and their governance should continue with locally elected board members, appointed budget committee members, and a licensed Superintendent. However, the committee recognized how ESDs add capacity in delivering at the local level such opportunities as data-base operations and North Central's Frontier Learning Network.

South Coast ESD supports SB 260, despite funding modifications that will reduce their capacity to serve students.

CLOSED PUBLIC HEARING ON SB 260

OPENED PUBLIC HEARING ON SB 252

354 Miguel Salinas Testified in support of SB 260. Stated that minority students and English as Second Language (ELL) students are not getting an appropriate education in most of Oregon's schools. National media have reported recently that African American youth are referred more often than any other group for special education. In Oregon, Latino youth are susceptible to being referred for special education more than any other group. Why is that?

443 Teresa Montoya Testified in Spanish, translated by Dr. Juan Guzman. Mrs. Montoya (who does not speak or

read English) came to Oregon from California about eight months ago and enrolled her children in school in Canby. Related an incident that happened involving her ten-year-old son (Carlos) while at school, after having been in the school only two weeks. She was told to go to the school and pick up her son who, when she arrived there, was in the custody of police.

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017 Mrs. Montoya Later, Mrs. Montoya received a letter in English requesting a meeting and stating her children had to be in special education. When summoned to the school for this meeting to find out more about the problem, Mrs. Montoya enlisted the help of Mr. Salinas. The school had called the meeting for the purpose of expelling Carlos from school so he could be taken to court. Mrs. Montoya could not understand why this happened. She decided to remove her other children from the Canby school and move somewhere else where her children would be treated as decent human beings. Carlos had been in school in California for four years and never had any kind of problem.

As background on how the events unfolded, Mrs. Montoya said that after two weeks in school, Carlos still did not completely know his way around it. A teacher told him to sit down and wait. Carlos said he could not because his bus was leaving, and he had to be on it. The teacher told him to wait anyway. Because Carlos did not turn to face the teacher, she took it as disrespect toward her, and she became angry. The principal was called for. When they kept Carlos from getting on the bus he struggled, the teacher and/or principal jerked him back, resulting in some bruises on Carlos. In the process of struggling, Carlos hit one of the teachers. That was the explanation provided by the principal.

083 Salinas Stated that Mrs. Montoya is a rare parent who had the courage to investigate what actually happened. She contacted Mr. Salinas, who was

someone who could help her. Having been a school principal in the past, he knew how to approach the situation and what questions to ask of the Canby school staff. After getting all the facts from all sources, it was determined that Carlos did not have a behavior problem after all.

The problem was caused by a lack of cultural sensitivity (particularly Hispanic culture) on the part of Canby school staff; i.e. what is considered proper or improper physical contact. Because of that lack of sensitivity, the staff decided it would be easier to place Mrs. Montoya's children in special education and let someone else deal with them. It was not a matter of language.

Carlos was back in school after Mr. Salinas intervened, is a stellar student, and had always been a stellar student in California. Now he receives awards for being an excellent student.

Most referrals of Hispanic students to special education are not warranted.

Comments, and questions and answers followed.

261 Chair Ferrioli Adjourned meeting at 10:16 a.m.

Submitted by, Reviewed by,

Carol Phillips Kim Taylor James

Committee Assistant Revenue Office Manager

Exhibit Summary:

1. SB 260, Schmitt, Brochure, 16 pp.
2. SB 260, Hall, Written testimony, 1 pp.
3. SB 260, Pryor, Written testimony, 139 pp.
4. SB 260, Howell, Written testimony, 61 pp.

5. SB 260, Salinas, Written testimony, 4 pp.