

SENATE COMMITTEE ON EDUCATION

April 9, 1999 Hearing Room B

1:00 p.m. Tapes 68-69

MEMBERS PRESENT: Sen. Susan Castillo, Vice-Chair

Sen. Peter Courtney

Sen. Gary George

Sen. Avel Gordly

Sen. Marylin Shannon

MEMBER EXCUSED: Sen. Verne Duncan

Sen. Tom Hartung, Chair

STAFF PRESENT: Jan McComb, Administrator

Karen O'Kelley, Administrative Support

MEASURE/ISSUES HEARD: SB 751 Public Hearing

SB 932 Public Hearing

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.

TAPE/#	Speaker	Comments
TAPE 68, A		
004	Vice-Chair Castillo	Convenes meeting at 1:11 p.m. and opens public hearing on SB 751.
<u>SB 751 PUBLIC HEARING</u>		
008	Sen. John Lim	Senate District 11. States that he introduced this bill out of concern for the children of Oregon. States that gang violence has increased in Portland and

		<p>Salem. States that this bill would possibly give school boards the opportunity to make school safer for students and less expensive for parents.</p> <p>States that "school uniforms can be one positive contributing factor to discipline and safety." States that this bill does not require school districts to implement a uniform policy, but rather gives them the opportunity to adopt a such a policy.</p>
084	Sen. Shannon	States that she is concerned about how the teachers are dressing. States that the school boards should enact dress codes for the teachers.
095	Sen. Lim	States that it would be more beneficial to address the dress code for students.
101	Sen. Shannon	Thinks it would be a great idea for the teachers to have a dress code.
120	Mark Bigger	Corvallis citizen. Believes that this bill "is a community-based drawing together policy that would be very helpful for the state of Oregon."
129	Lim	Believes that uniforms make students behave better.
144	Sen. Courtney	Asks Sen. Lim if he is "talking uniforms or dress code."
147	Lim	Responds that he is referring to either.
155	Sen. Courtney	States that there is a significant difference between the two. Comments that a distinction would need to be made between the two in the bill.
170	Lim	States that he wanted to give flexibility to the school boards. Comments that his preference is for uniforms.
183	Sen. Gordly	States that the bill does not define "gang related clothing."
189	Bigger	States that "gang affiliated clothing" changes so quickly that it would be very difficult to adopt the same standards for different regions around the state. Believes that the language would be outdated very quickly.
208	Sen. Gordly	States that she believes in uniforms. States that the phrase "gang-related clothing" is too broad.
218	Lim	Understands Sen. Gordly's concern. Hopes for support from the committee.
223	Jim Green	Oregon School Boards Association (OSBA). Testifies in opposition to SB 751 and submits (EXHIBIT A) . States that the bill is not necessary because there is nothing in Oregon law that prohibits a school district from adopting a school uniform policy or a dress code policy. Explains that there are built-in exemptions

		to the current law.
281	Vice-Chair Castillo	Asks Green if the requirements apply only to the public schools.
285	Green	States that some of the private schools have exemptions for uniforms.
295	Sen. Courtney	Asks Green if he is referring to uniforms.
298	Green	Responds that "there are uniform policies in the state."
302	Sen. Courtney	Asks if there is variety within the policies.
309	Green	Responds that there is.
314	Sen. Courtney	States that there is not a school in Salem with a uniform policy. Explains that some schools have strict dress codes.
326	Kathie Osborn	<p>Juvenile Rights Project. Testifies against SB 751. Agrees with Green that there is not anything in Oregon law that would prohibit a school board from adopting a uniform policy.</p> <p>States that SB 751 must have exemptions. Explains that foster care children only receive \$150 per year to cover all of their clothing needs. States that foster care children must be exempted from the bill. Comments on "gang related clothing statements" in the bill. States that it would take a lot of time for school districts to determine what "gang-related clothing is." Suggests that "the gang-related clothing language" be removed from the bill.</p>
422	Andrea Meyer	<p>Legislative Director, Oregon Civil Liberties Union (OCLU). Opposes SB 751 because the OCLU believes that it is unconstitutional. States that "clothing is a form of expression."</p> <p>Refers to the dress code in the Gervais School District.</p>
		States that SB 751 does not have "an opt-out provision for parents." States that there are not "any financial provisions" in the bill.
TAPE 69, A		
026	Meyer	States that "schools are not prisons." Comments that kids should be able to express themselves.
033	Sen. Courtney	Cites an example of kids participating in sports that are not allowed to wear jewelry. Asks Meyer for her position.

044	Meyer	Responds that sports are a volunteer activity for students and a public school education is not.
056	Sen. Courtney	Asks Meyer what is her position for wearing jewelry in physical education classes.
058	Meyer	Responds that wearing jewelry may cause injuries.
		States that it is up to the parents, not the government, to decide what their children will wear.
138	Sen. Shannon	Asks why Oregon needs this law.
142	Meyer	Responds that Green addressed that in his testimony.
151	Vice-Chair Castillo	Closes public hearing on SB 751 and opens public hearing on SB 932.
<u>SB 932 PUBLIC HEARING</u>		
156	Jan McComb	Committee Administrator. States that the SB 932 directs the Oregon Department of Education (ODE) to adopt guidelines and provide technical assistance to assist in compliance with special education requirements.
181	Laurie Wimmer	Oregon Education Association (OEA). Describes the need for this bill. States that this bill would require that a single form related to the Individualized Educational Plan (IEP) would be used rather than many forms. Adds that the bill would also require that the guidelines and brochures from the ODE get delivered to the special education teachers and specialists. Thanks the committee for introducing the bill.
271	Rick Hopper	Special Education Teacher, South Albany High School. Testifies in favor of SB 932 and submits (EXHIBIT B) . Explains the large number of forms that special education teachers are required to fill out. Discusses solutions that are reflected in SB 932: <ul style="list-style-type: none"> • Standardize the forms. • Require school districts to use the same forms.
383	Nancy Messman	Speech Pathologist, Albany School District. Shows examples of the number of forms that are needed for a typical child to receive special education services. Discusses the number of revisions over the past few years.
TAPE 68, B		
022	Hopper	Continues discussing solutions that are included in SB 932:

		<ul style="list-style-type: none"> • Direct the ODE to provide technical assistance and to assist with the special education requirements. <p>Discusses a special education teacher that recently resigned because she could not keep up with the paperwork. Encourages the committee to support SB 932.</p>
052	Vice-Chair Castillo	Asks how quickly the changes, from this bill, could be implemented.
055	Hopper	Responds that that he is not sure.
079	Wimmer	States that the bill has an emergency clause. Explains that several other states have already adopted similar laws.
094	Sen. Gordly	Asks how much of the problem could be solved with additional technical assistance.
098	Hopper	Responds that the Education Service Districts provide some technical assistance.
107	Sen. Gordly	Asks if there needs to be more technical assistance available.
113	Hopper	Responds that it would be helpful for the ODE to provide written guidelines on the simplest way of managing the required information.
121	Sen. Gordly	Asks Hopper if he wants to reduce the number of forms.
136	Wimmer	Responds that they are trying to reduce the number of forms.
140	Vice-Chair Castillo	Acknowledges that caseload is another issue for special education teachers.
147	Steve Johnson	Associate Superintendent, ODE, Office of Special Education. States that one of the ODE's primary goals is to provide an effective education for all students in Oregon. Distributes and explains the forms for special education students included in (EXHIBIT C) . Explains that electronic versions of the forms are also available and included in EXHIBIT C .
227	Johnson	<p>States that the goal of SB 932 is to ensure that information is provided and available to teachers. Believes that the goal can be accomplished in other, non-mandated, ways.</p> <p>States concerns with SB 932. States that the ODE has a bill, SB 363, which would align the state statutes with the new federal requirements. Believes that the local needs are not necessarily met by a statewide form.</p> <p>Summarizes that it is important for the ODE to provide sufficient information to teachers and to parents. Adds that the information needs to be provided in a way that is effective for teachers so that more time can be spent on instruction.</p>

294	Sen. Gordly	Asks Johnson if he is speaking in opposition to the bill.
296	Johnson	Responds that at this time, he would prefer not to state the ODE's position on SB 932.
301	Sen. Gordly	Asks Johnson when he will be able to state ODE's position.
303	Johnson	Responds by next week.
305	Sen. Gordly	Asks if the forms included in EXHIBIT C are to be used by all special education teachers in Oregon.
311	Johnson	Responds that the forms are samples. States that the ODE encourages the districts to use them, but they do not require it.
317	Sen. Gordly	Asks how the ODE knows if teachers receive the information that they send out.
334	Johnson	Responds that the ODE does not follow-up to determine whether or not teachers have received the information.
352	Sen. Gordly	Asks how many districts have contacted the ODE for help with the forms.
364	Johnson	Responds that the ODE does not keep a count. Explains that his wife is a special education teacher.
391	Sen. Gordly	Refers to a teacher in-service meeting that that addressed the new federal requirements for special education forms. Asks how many teachers attended and what material was covered.
411	Johnson	Responds that he does not have the numbers with him.
414	Sen. Gordly	Asks if all special education teachers were invited.
416	Johnson	Responds that all special education teachers were invited. Explains that the invitation was communicated through school districts and Education Service Districts (ESD).
439	Sen. Gordly	Asks what feedback the ODE received from teachers
442	Johnson	States that the ODE has heard about the increasing amount of paperwork which is taking away from the time that the teachers are able to spend with the students. Explains that the issue is due to the federal requirements and the need to ensure that parents are informed.

TAPE 69, B

016	Vice-Chair Castillo	Asks how much effort the ODE is putting into reducing the amount of paperwork.
021	Johnson	Responds that it is priority. Believes that if the amount of paperwork is reduced, then the amount of time available for students will increase.
042	Sen. Gordly	Asks if the ODE is working in partnership with the OEA, the sponsor of the bill.
064	Johnson	Responds that he encourages more conversations with the OEA.
084	Lynda McCarthy	Special Education Coordinator, Salem-Keizer Public Schools. Testifies against SB 932 and submits (EXHIBIT D) . Shares concerns about the amount of paperwork for special education teachers, however, does not believe that this bill is the answer. Believes that state mandated forms designed to serve all districts would be too generic. Adds that she is also concerned about the potential fiscal impact of the bill.
148	Vice-Chair Castillo	Asks McCarthy why the forms for special education students would need to be customized for each district.
160	McCarthy	Responds that her district collects demographic information. Adds that some of the information on the state form can be condensed for her school district's needs. States that the forms can be formatted to be more user-friendly.
191	Vice-Chair Castillo	Asks McCarthy if a generic, user-friendly form could work for all districts.
194	McCarthy	Responds that the state forms are not user-friendly.
205	Wilma Wells	Confederated Oregon Schools Association (COSA). Testifies against SB 932. Explains that many of the national organizations, that receive federal funding to help with the expense of educating special education students, do not realize the amount of paperwork that is required of school districts. Explains that Oregon schools have reason to be concerned about litigation from parents. States that if a parent files for "due process" the minimum court cost is \$15,000 to the ODE.
245	Vice-Chair Castillo	Asks Wells how many court cases there have been.
247	Wells	Responds that Johnson could answer that question. States that the ODE is supervised by the U.S. Department of Education.

		Suggests two amendments. Refers to page 2, line 10, comments that it should state "for a child's education." Refers to page 4, line 3, comments that it should state "a form approved by."
313	Vice-Chair Castillo	Asks Wells if the teachers could determine which forms worked best for them.
315	Wells	Responds that it would be up to the local school board and the superintendent.
318	Vice-Chair Castillo	Closes public hearing on SB 932 and adjourns meeting at 2:48 p.m.

Submitted By, Reviewed By,

Karen O'Kelley Jan McComb

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 751, OSBA Uniform Policy, Jim Green, 8 pp

B ñ SB 932, written testimony, Rick Hopper, 6 pp

C ñ SB 932, application forms and disk, Steve Johnson, 56 pp

D ñ SB 932, written testimony, Lynda McCarthy, 1 p