

SENATE COMMITTEE ON EDUCATION

February 9, 1993 Hearing Room 343 3:00 p.m. Tapes 13 - 15

MEMBERS PRESENT: Sen. Catherine Webber, Chair Sen. Stan Bunn Sen. Ron Cease Sen. Shirley Gold Sen. Paul Phillips

STAFF PRESENT: Jan Barga, Committee Administrator Julie Mušiz, Committee Assistant

MEASURES CONSIDERED: Orientation Meeting: Education Services to Children with Disabilities or Other Special Needs SB 118 - Relating to Educational Policy, PH

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 13, SIDE A

005 CHAIR WEBBER: Calls meeting to order at 3:03 p.m.

(Tape 13, Side A) ORIENTATION MEETING: EDUCATION SERVICES TO CHILDREN WITH DISABILITIES OR OTHER SPECIAL NEEDS WITNESSES: Karen Brazeau, Oregon Department of Education Judy Miller, Oregon Department of Education Rick Hill, Children's Services Division Jim Green, Oregon School Boards Association Wilma Wells, Confederation of School Administrators Katherine Weit, Families as Leaders, Alliance for Early Intervention

016 KAREN BRAZEAU, OREGON DEPARTMENT OF EDUCATION: There are 55,000 children designated as eligible for special education services. Special education is prescribed by federal law. Refers to chart, (EXHIBIT B).

The level of funding is about \$300/child. The average cost in Oregon is about \$9000/child.

042 CHAIR WEBBER: Is that \$300 for every child or only for those that have met special requirements?

044 Brazeau: It's only for those that are determined to be eligible. Continues review of charts, (EXHIBIT B). Discusses programs operated

for children with special needs. The state operates two schools -- the blind school and the deaf school. We also provide regional serves for

children with low incidents, high cost handicapping conditions.

083 CHAIR WEBBER: Do the regional centers operate out of ESDs?

084 Brazeau: Four out of six are out of ESDs. Continues review of chart, (EXHIBIT B). The real bulk of education goes on at the local school

level. Most of what you'll hear about special education are the anomalies. Most children have only minor disabilities. Only 25% have more severe disabilities.

117 SEN. CEASE: What does that 25% represent in numbers?

119 Brazeau: On page 30 of the book (EXHIBIT A) there's a break down of the kinds of disabilities.

135 SEN. CEASE: Looking at these figures, it's about 13,000 students. Are most of those in the metropolitan area?

137 Brazeau: It's spread throughout the state. Now that federal law requires every school to provide these services, parents don't feel the need to move to the metropolitan areas. There's one exception: children with severe disabilities in state care and placed in group homes. But

those facilities are placed all over the state. The Department's role is mostly to provide training and to monitor for compliance. The State runs two pre-school programs where they take care of the kids rather than the local school district.

192 JUDY MILLER, OREGON DEPARTMENT OF EDUCATION: Many of you are familiar with the Oregon Prekindergarten program modeled after federal Head

Start. Eligibility is based on income. The programs are throughout the state and operated in conjunction with the federal Head Start programs. We are now serving 38% of the eligible children. About 15% of those are children with disabilities and are also receiving Early Intervention services.

230 CHAIR WEBBER: Are those 38% the poorest children? How do those children get in and the others don't?

234 Miller: Each area has a recruiting process and they recruit from the poorest families. There is a window of eligibility; up to 20% of the

children get served without regard to the poverty guidelines. Only 5% of the families were over the income guidelines.

244 CHAIR WEBBER: We only have funds to service the 38%?

246 Miller: The state funds serve about 1/3 of that 38%, federal dollars serve 2/3. Discusses Together for Children Program. It's a very small

parent education program. It's not included in the Governor's budget.

278 JAN BARGEN, COMMITTEE ADMINISTRATOR: Is that in the state board's budget?

282 Miller: Yes, but it's not in the Governor's budget. Discusses Teen Parent Program. Half of the programs are associated with

pregnant/parenting teens needing child care, the other half are for on-site child care centers for school districts who operate a child development curriculum.

308 SEN. CEASE: Where does that stand in the Governor's budget?

311 Miller: It's in the Department of Human Resource's budget at the 80% level, but the full federal amount is intact. It transfers to the

Department of Education, by contract.

322 SEN. CEASE: Do most schools have teen pregnancy program?

328 Miller: Most do not have comprehensive programs with on-site child care available. We funded 10 out of 30 applications. I would guess there

are about 20-25 high schools with on-site child care. All school districts are required to serve pregnant and parenting teens.

347 SEN. CEASE: Once a school is on the program, does it stay on it?

348 Miller: It's a start up grant so the money would be gone after the first year. Hopefully over time there'll be some change so the programs can maintain themselves. Discusses Residential Youth Care Centers.

There are programs all around the state that serve this population. The school receives the grant of about \$500 per student that is served in the Center. They must develop an educational plan for those students and decide how that program will be provided and the supplemental dollars will be used. That's a small program and is not included in the Governor's budget.

427 CHAIR WEBBER: How many of the Youth Care kids are on suspension or expulsion? Do any get schooling in the Youth Care Center itself instead of in the school?

434 Miller: That was the issue about six years ago. The programs were established to develop processes to keep these kids in school. Some of

the programs have a tutoring component. It would be the responsibility of the school district.

462 CHAIR WEBBER: So there are no longer expelled students living in Youth Care Centers and not receiving an education?

466 Miller: No.

471 Brazeau: The children eligible must receive those services at no cost to their families. These programs must be provided regardless of the

cost. The programs are different in the obligations to the state and school.

Tape 14, Side A

035 CHAIR WEBBER: There were some complaints that children assessed for 94-142 eligible are found not to be eligible in Salem because the

standard is higher. Is that a real complaint?

043 Brazeau: We do hear of cases like that. Parents have the right to challenge those decisions. 062 CHAIR WEBBER: Does the Department of Education have the responsibility to monitor local school districts?

064 Brazeau: Yes, we send a team out to monitor. We look at very specific requirements of the law. We also must respond to any allegation that

comes to the superintendent. Parent also have the option to ask for a due process hearing.

082 CHAIR WEBBER: What kind of results do you have from these visitations?

084 Brazeau: There's tremendous variance. The law is complex; it's easy to make mistakes. Because of the law there's a tendency to only provide

what is required -- not what is needed.

107 BARGEN: How often do things get to the law suite stage?

110 Brazeau: Not many go to that stage. About 27 cases over this year. It's gone up a little bit. But there have been over 160 requests for

hearings. Parents don't want to exercise their rights -- they would

rather work it out with the district.

131 BARGEN: Could you explain what the Department of Education authorities are regarding their standard of education?

135 Brazeau: Any children that are eligible are required to be provided the services. The Department's role has been one of monitoring.

145 BARGEN: I heard it's about 100 out of 500 students are on IEPs.

145 Brazeau: That is a good figure.

150 RICK HILL, CHILDREN'S SERVICES DIVISION: Describes typical class at Hillcrest and McLaren. Sixty-three percent of these kids are on IEPs.

These trends are alarming and up in the last five years. Discusses the statistics on gang members that come to McLaren.

186 SEN. CEASE: What kind of racial mix do you have in those gang members?

188 Hill: The break down is about 13% African-American, 3% Hispanic, 2% Native American, and the remainder is Caucasian. The gang members are

largely black gang members but there is an increase in Hispanic and Asian gang members.

196 We asked for a standardization audit about two years ago. We wanted a blueprint on what to do to bring our program up to standard. We

abandoned some unpopular programs and replaced them with a computer business program, a building trades programs and a landscape program. We blended the academic and vocation programs. As a result, attendance is up to 91% from 68%.

220 SEN. CEASE: Do you have an indication if a diploma makes a difference in getting and keeping a job?

225 Hill: Most national studies show that staying in school and getting a job make a difference. We assume that it helps.

231 SEN. CEASE: Why don't you keep those statistics?

233 Hill: One reason is confidentiality issues. We recently did a study that gives us a long-range look, but we did not break it down by whether or not they have a diploma.

243 SEN. CEASE: But it does give some indication of what success they have. What does that show?

244 Hill: There are many variables that go into this. About 68%

of the kids don't show up in the adult corrections system.

250 SEN. CEASE: How much of that is due to them leaving the area?

253 Hill: It's very difficult to track the kids. At the same time the Department of Education did an audit, the federal government did one as well. We did not do well in that audit. Refers to charts (EXHIBIT C).

273 CHAIR WEBBER: You said had an 89-313 compliance audit and as a result there were some sub-standard findings. Could you be more specific?

278 Hill: At McLaren, we weren't doing all the IEPs or providing all the support services on all the handicapped learners that should have been.

287 CHAIR WEBBER: If we don't fix that, will it jeopardize any federal funding?

290 Brazeau: In 1986, they monitored Hillcrest and McLaren and found them out of compliance. The Department of Education's responsibility is to

assure compliance state wide. The Department was required to submit an action plan. Failure to do that can result in loss of funds. (Portions inaudible)

307 CHAIR WEBBER: When did you respond and has there been a reevaluation of compliance by the Department?

311 Brazeau: The Department of Education has worked with the facilities to bring them in compliance. They don't appear to have the resources to be in compliance, making them still in non-compliance. I don't think we'll see a change since they didn't visit these facilities in their last

visit. (Portions inaudible)

327 CHAIR WEBBER: The State General Funds are the source of funding making it the State that's not funding those programs?

330 Brazeau: Yes. For every child in attendance, the local district makes a contribution from their local school fund. It's a minimal amount in

costs from the state. (Portions inaudible)

340 CHAIR WEBBER: The Department is not returning to audit them?

342 Brazeau: We have gone back and do so on a regular basis. But without resources they are unable to meet those needs. (Portions inaudible)

348 CHAIR WEBBER: How far out of compliance are they?

348 Brazeau: Fairly. (Portions inaudible)

358 SEN. CEASE: With the nature of those problems, how do you get satisfaction out of your job?

367 Hill: It's a challenge. But there is some feedback.

376 CHAIR WEBBER: Maybe we should ask that of ourselves since we are the primary source of funding for that school.

383 Hill: Continues review of handouts, (EXHIBIT C).

403 CHAIR WEBBER: Do you have access to the ESDs?

405 Hill: Not in the same way that local schools do. We have to purchase what we want.

414 CHAIR WEBBER: What about Hillcrest? Is it as bleak?

417 Hill: It's just as bad. There are younger children and females. The numbers are about the same.

422 CHAIR WEBBER: How many young women are at Hillcrest now?

424 Hill: Between 35 and 40 out of the 513 in the juvenile correction system.

427 CHAIR WEBBER: What kind of vocational training do you have for them?

428 Hill: We still have the cosmetology program. We don't have specific vocational training programs like at McLaren. The Hillcrest population

is younger: 12-14 year old boys, 12-21 year old girls.

450 CHAIR WEBBER: Do you take them to McLaren so they can have access to those programs?

455 Hill: No because of security reasons. We have not mixed those populations since the late 70s.

462 BARGEN: Those limited resources for the education services, fall in the CSD budget?

471 Hill: Yes. Most of our money comes from the General Fund.

490 BARGEN: How much was submitted by the agency to the Executive Department and how much of that survived the budgeting process.

484 Hill: They are basically continuing level budgets from the previous year.

492 CHAIR WEBBER: How many graduates of Hillcrest and McLaren go onto adult correction system?

495 Hill: Somewhere around 20-30%.

Tape 13, Side B

047 Brazeau: Of the children that are identified as emotionally disturbed, 50% are incarcerated within their first year out of school.

060 WILMA WELLS, CONFEDERATION OF SCHOOL ADMINISTRATORS: Reviews written testimony, (EXHIBIT D).

159 CHAIR WEBBER: You don't have an administrator from Children's Services as a member of your organization?

161 Wells: No.

162 CHAIR WEBBER: Is there a surrogate parent program now in juvenile justice system?

165 Brazeau: .... either a parent of surrogate parent. (Portions inaudible)

170 CHAIR WEBBER: So the juvenile courts automatically provide a surrogate parent when they place a child in CSD custody?

172 Brazeau: They will appoint a parent... (Portions inaudible)

177 JIM GREEN, OREGON SCHOOL BOARDS ASSOCIATION: We are the local education agencies required to provide services to these children. We provide

services outside the school building through the ESDs, regional programs and youth care centers. Those budgets are vital to students with

disabilities. When you talk about children with disabilities we need to also talk about funding. We've changed the funding formula. In many

cases, funding is not adequate. We look to other areas to provide

services to these children. The Youth Care Centers are due to receive no funding in the Governor's Budget.

260 Wells: I think the money in the grant and aid fund is distributed per pupil. When the Revenue Committee wrote the statute, something fell

between the crack and the Youth Care Centers are no longer get the funding. Those children are left out.

275 CHAIR WEBBER: Are the children in the private agencies still in the budget?

276 Green: Yes, but at a reduced amount.

284 BARGEN: Even if that money goes away, wouldn't the contractual arrangement stay on the books?

290 Green: Conceivably it could.

294 Miller: The money for the Youth Care Centers is a supplemental grant that goes to the district in which the program is located. That

funding, combined with other resources that the district has, provides the funding base for those students. The contractual language indicates



that the districts and the program need to submit a plan to the Department together. That would continue to be the case.

338 CHAIR WEBBER: So the money won't continue to go back and forth in terms of billing. Is there a problem?

340 Green: Yes. There's a bill that corrects it. We try to do the best job we can with the services available. These children are part of our

education system; we need to give them the services they should be provided with.

365 Wells: Oregon is a state leader in providing programs for children with disabilities.

393 KATHERINE WEIT, FAMILIES AS LEADERS, ALLIANCE FOR EARLY INTERVENTION: Submits and reviews written testimony, (EXHIBIT E). My son didn't

receive a student body card because he was in special education and they forgot his class.

Tape 14, Side B

042 SEN. CEASE: How many others were in his class?

043 Weit: Twelve. It sends the message that our kids don't count. Continues review of written testimony, (EXHIBIT E).

092 CHAIR WEBBER: Are you going to be tracking the budget in Ways and Means?

093 Weit: Yes.

(Tape 14, Side B) SB 118 - RELATING TO EDUCATION POLICY - PUBLIC HEARING WITNESSES: Marilynne Keyser, Governor's Office Dale Weight, Oregon Board of Education George Richardson, Oregon Board of Higher Education

105 MARILYNNE KEYSER, GOVERNOR'S OFFICE: Testifies in support of SB 118 . Distributes and reviews Governor's Executive Order and hand engrossed

amendments (EXHIBITS F & G). The result of the two Boards working together was excellent. The Governor believes that it is essential to build on this relationship. Adopting bylaws by the two Boards was not sufficient. This legislation formalizes that process to join the Boards. Refers to amendments (EXHIBIT G).

197 SEN. PHILLIPS: I think this bill is why people are frustrated with government. It's a sad state of affairs to have to mandate people

working together. It saddens me that we need to statutorily direct two

bodies to get together.

204 SEN. GOLD: The point is they are meeting. This bill is a considerable modification to what it was previously. I'm offended because they are

meeting and working together and producing worthwhile results, so why do we need to tell them to meet? Because these people that are working together won't always be with here. This states a mission.

260 SEN. CEASE: I'd agree with that. The original bill had something more specific. The proposed changes say nothing. I don't see the point of

it.

277 SEN. PHILLIPS: That's my point. They are meeting. If in the future they don't meet, then we can do something.

286 CHAIR WEBBER: Do we have an interest to make this Joint Board a stronger board?

289 SEN. CEASE: It's good that they are meeting. But if we're going to require something of them then it should be more than just a piece of

fluff.

310 GEORGE RICHARDSON, OREGON BOARD OF HIGHER EDUCATION: Testifies in support of SB 118. I think this bill attempts to build on the

relationship and work we are currently doing and creates a vehicle to continue the work. We are trying to attempt to bring about cooperation. By indicating that we will meet three times a year, hopefully it will bring about his cooperation.

375 SEN. BUNN: How many times a year does each board independently meet?

378 Richardson: Basically the Board of Higher Education meets about 11 times a year. We sometimes met in additional sessions.

384 SEN. BUNN: And the State Board?

395 DALE WEIGHT, OREGON BOARD OF EDUCATION: The State Board meets 11 times a year. When we have joint meeting, we first meet independently then

come together on joint matters. It extends the duration of the meetings but not the number.

410 SEN. BUNN: In getting cooperation, are the Boards the level that this should occur at, or should it be with the Chancellor or some other

office?

422 Richardson: They are all critical. Since the Boards are both policy making boards, we should have joint cooperation.

433 Weight: One area we're concerned about is providing a "seamless education." This cooperation allows that seamless education to occur.

All members of both boards feel this Joint Board should be codified so that the work can progress after we step aside. By codifying this, we also demonstrate the intent of the Legislature.

474 SEN. GOLD: What are your comments as to the original wording?

484 Weight: I support the revised wording as opposed to the original wording because it broadens horizons. Discusses paradigm shift to the

digitalization of data and how it affects education.

Tape 15, Side A

056 Richardson: I support the language in the bill as amended. Suggests that the Joint Board should report to the Legislature on a periodic

basis.

063 SEN. GOLD: You see the revised wording as less limiting?

067 Richardson: Yes.

068 SEN. PHILLIPS: If this bill didn't not pass, would these two boards still meet?

071 Weight: We would want to. It seems to be the appropriate time for this bill.

075 Richardson: Yes.

077 SEN. PHILLIPS: If we reach the 5th phase of paradigm shifts (digitalization of data), isn't it time we quit discussing the

peripheral view of governments and look at the substance and combine all education as one budget entity? Isn't that really the issue?

091 Weight: I think you could combine the entire education system. As the two Boards are volunteers, the likelihood of finding people interested

and with the skills to be involved is slim. I spend 10-15 hours a week on Board matters. If you added to that, I or other people wouldn't have the time. I don't think the system is broke or needs to be fixed.

111 Richardson: I agree with Mr. Weight's thoughts. If we

create a super-board to govern education, then the amount of time board members

need to spend grows. Then you have new issues to deal with.

130 SEN. PHILLIPS: At some point we need to begin an intellectual process.

136 SEN. GOLD: The issue for legislators is of apples and oranges. They are two different entities. This is a discussion that does need to be

on the books.

151 SEN. PHILLIPS: If we finance K-12 and it turns into a state agency, it's worth discussing.

160 BARGEN: I'll take the amendments to LC for drafting. I would be happy to circulate the report on the Joint Interim Committee to other member's offices.

178 CHAIR WEBBER: Adjourns meeting at 5:08 p.m.

Submitted by:

Reviewed by:

Julie Mu\$iz  
Administrator

Jan Barga Assistant

EXHIBIT LOG:

A - '92 Status Report, Karen Brazeau, 131 pgs. B - Special education charts, Karen Brazeau, 2 pgs. C - CSD charts, Rick Hill, 2 pgs. D - Written testimony, Wilma Wells, 2 pgs. E - Written testimony, Katheryn Weit, 2 pgs. F - Executive Order, Marilynne Keyser, 3 pgs. G - Hand engrossed SB 118, Marilynne Keyser, 1 pg. H - SB 118 SMS, Staff, 1 pg. I - SB 118 fiscal and revenue impacts, Staff, 1 pg.