

SENATE COMMITTEE ON EDUCATION

April 6, 1993      Hearing Room 343 3:15 p.m.      Tapes 49 - 50

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

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

MEASURES CONSIDERED:            HB 2061 - Relating to education SB      898  
-      Relating      to      individualized      family service plans SB 26 -  
Relating to education service districts SB      881      -      Relating  
to      the      Juvenile Corrections Education Program

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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 49, SIDE A

003      CHAIR WEBBER:    Calls meeting to order at 3:23 p.m.

(Tape 49, Side A) SB 898 - RELATING TO INDIVIDUALIZED FAMILY SERVICE PLANS - PUBLIC HEARING WITNESSES:      Judy Newman, Early Intervention Kathy Emerson, Early Intervention Service Provider Kim Dopson, Parent Pat Nadurak, Parent Vanessa Pedersen, Parent Dick LaFever, Wasco ESD Kathryn Weit, Alliance for Early Intervention, Community Partnerships Karen Brazeau, Department of Education Jim Green, Oregon School Boards Association Kelly Hanson, Parent Wilma Wells, Confederation of Oregon School Administrators

023 JUDY NEWMAN, EARLY INTERVENTION COORDINATING COUNCIL: Speaks in support of SB 898. This bill would ensure that children with substantial

developmental delays and disabilities will continue to get the services they need from birth to three years of age. If we are not in compliance for this age group by July 1, 1993, we will be in jeopardy of losing federal funds for this program. Submits and reviews early intervention information (EXHIBITS A, B & C).

118 KATHY EMERSON, EARLY INTERVENTION SERVICE PROVIDER: Speaks in support of SB 898. This program reflects what's happening at the local,

community level. Discusses services provided. Strongly urges bill as a continuation of what's already being done. We're already doing it in the field; we need the approval of the Legislature to get us in compliance with the federal mandates.

160 KIM DOPSON, PARENT: Discusses personal experience as an early intervention parent. By making this law, it will give parents

procedural safeguards. It's very important that parents have a voice, a legal way to get their needs met.

218 PAT NADURAK, PARENT: Introduces son, Eric, and explains experience getting services for Eric through early intervention. My goal is to

have Eric be a self-sufficient adult. I wouldn't be able to do this without the help of early intervention.

270 VANESSA PEDERSEN, PARENT: Introduces daughter and describes personal experiences with early intervention. We'd like to see this program

continue.

306 Newman: Submits letters from families that were unable to testify, (EXHIBIT O).

332 KATHRYN WEIT, ALLIANCE FOR EARLY INTERVENTION, COMMUNITY PARTNERSHIPS: Submits hand-engrossed amendments, (EXHIBIT D), and section-by-section

overview of the bill, (EXHIBIT E).

350 KAREN BRAZEAU, DEPARTMENT OF EDUCATION: Submits and reviews hand-engrossed amendments, (EXHIBIT F).

Weit: Reviews hand-engrossed amendments, (EXHIBIT D). >Comparison of the two sets of amendments given.

Tape 50, Side A

057 SEN. CEASE: What's the reason for the no child-care policy?

058 Brazeau: The Department's position is based on finances. They want to restrict the costs for all advisory groups in the Department.

063 Weit: We've suggested that the Department establish criteria for who would be eligible for that child-care reimbursement.

069 SEN. CEASE: Do you often have situations where the members bring their children?

071 Brazeau: No, but we're talking about some reimbursement for respite services if it's necessary for someone to stay with the child.

078 SEN. CEASE: Do the members get milage coverage?

079 Newman: There are no facilities for the children during the meetings.

082 SEN. CEASE: I understand the policy, but it seems that consistency makes it somewhat foolish in this situation.

085 Brazeau: Review and comparison of amendments continue.

125 DICK LAFEVER, WASCO ESD: Submits and reviews letter in support of SB 898, (EXHIBIT G).

160 JIM GREEN, OREGON SCHOOL BOARDS ASSOCIATION: Supports bill. It's best that children receive these services at an early age. There is a fiscal impact to local districts. School districts are financially liable to

pay for the identification, evaluation and transportation of these students. That's roughly \$1.7 million biennially. The total program from birth to two years of age comes to nearly \$4 million biennially.

199 CHAIR WEBBER: That's a total of \$4 million for the local government?

201 Green: The \$1.7 million is the amount the local districts pay to cover the 0-2 year olds.

214 SEN. CEASE: We have a "no fiscal impact" statement in our folder.

219 Green: I would disagree with that. But we don't want the fiscal impact to be the death of this bill.

241 KELLY HANSON, PARENT: Describes what early intervention has offered her and her daughter.

270 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Speaks in support of SB 898. Early intervention saves the state money. We have

some concerns about the costs to school districts. Funds to support early intervention programs must come from other resources.

(Tape 50, Side A) HB 2061 - RELATING TO EDUCATION - PUBLIC HEARING  
WITNESSES: Kathleen Beaufait, Legislative Counsel Steven Kafoury,  
Alliance for Children's Programs

325 KATHLEEN BEAUFAIT, LEGISLATIVE COUNSEL: Gives overview and purpose of HB 2061. This bill doesn't contain any substantive changes in the

school law. We have the need for two new amendments that will be prepared and presented at the next meeting.

415 JAN BARGEN, COMMITTEE ADMINISTRATOR: We also have the OSB A

amendments, (EXHIBIT H).

435 STEVEN KAFOURY, ALLIANCE OF CHILDREN'S PROGRAMS: We're pleased with Section 119 of the bill that states that the youth care center children will be taken care of. We don't care about the manner of funding, as

long as our children get the services they need. We can make the language a little cleaner to say more directly that a child who is a resident of a program is a resident of that district.

(Tape 49, Side B) SB 26 - RELATING TO EDUCATION SERVICE DISTRICT - WORK SESSION WITNESSES: Ed Edwards, Oregon School Employees Association Joyce Benjamin, Department of Education Vickie Totten, Oregon School Boards Association

050 CHAIR WEBBER: We have a set of amendments from the Oregon School Employees Association, (EXHIBIT P).

060 ED EDWARDS, OREGON SCHOOL EMPLOYEES ASSOCIATION: Reviews amendment, (EXHIBIT P).

073 SEN. BUNN: I don't want to endanger your position, but I don't want to make these corrections in this bill that would solve all these problems. This language would maintain the status quo?

079 Edwards: With these amendments, yes.

082 SEN. BUNN: The original concern that this might be a negative impact on you has been alleviated?

085 Edwards: It spells it out clearer in the amended version than it does in current law.

087 SEN. BUNN: By doing this, we don't want to harm your position any more than it may be harmed now. My understanding is that we do not.

090 Edwards: That's my understanding as well. Continues review of amendment. My real question is whether the language of the bill allows

collective bargaining agreements that are in effect during the time of the merger to be carried over into the new ESD.

106 SEN. BUNN: In the school unifications, how do you handle it when you have one represented unit and one non-represented unit?

109 Edwards: Through representation elections.

110 SEN. BUNN: What do you see as a solution to this problem?

112 Edwards: We're comfortable with the current system being used. My concern with this bill is that I'm not sure if the language really

clarifies it.

122 SEN. BUNN: You've heard the concerns and the comments. Can you clarify what would occur under the bill?

126 JOYCE BENJAMIN, DEPARTMENT OF EDUCATION: It was never our intention to violate collective bargaining agreements. I'm positive that we can take care of any concerns OSEA has. We can work this out in Revenue.

137 SEN. BUNN: I think this Committee wants to make sure the bargaining units are protected. We should send a letter to Revenue with the bill

to make sure that this is take care of.

142 CHAIR WEBBER: That's a good idea. We can draft a letter stating that it is our intent not to violate any union contracts.

146 SEN. BUNN: Does the OSB A see any problem with this?

150 VICKIE TOTTEN, OREGON SCHOOL BOARDS ASSOCIATION: No. The Employee Relations Board has rules about these mergers. There's nothing in this

bill that would circumvent how these units will come together.

161 Benjamin: My people will be comfortable with the letter. We'll work with the right people to resolve this.

172 Bargaen: Reviews LC -12 and LC -13 amendments, submits decision outline (EXHIBITS I, J & K). Submits letter from Gordon Smyth, Wallowa ESD, for the record (EXHIBIT Q).

198 MOTION: SEN. BUNN moves LC -13 amendments.

VOTE: Hearing no objection, so ordered.

200 MOTION: SEN. BUNN moves SB 26, rescinding the subsequent referral to Ways and Means and requesting a subsequent referral to the Revenue and School Finance Committee, with a letter stating the Committee's intent on the collective bargaining units.

VOTE: Motion passes, (3-0). Sen. Gold and Sen. Phillips excused.

(Tape 49, Side B) SB 881 - RELATING TO THE JUVENILE CORRECTIONS EDUCATION PROGRAM - WORK SESSION WITNESSES: Greg McMurdo, Department of Education Karen Brazeau, Department of Education Rick Burke, Department of Education John Pendergrass, MacLaren School

232 GREG MCMURDO, DEPARTMENT OF EDUCATION: Submits hand-engrossed bill, (EXHIBIT L).

225 KAREN BRAZEAU, DEPARTMENT OF EDUCATION: Reviews amendments.

284 Bargaen: On the last section, you're also changing the emergency clause to 1994?

286 McMurdo: No. That's an error. 288 SEN. CEASE: The real issue in this bill will be the funding, correct?

290 CHAIR WEBBER: Yes, I think so. It's basically a cost of management.

300 McMurdo: The fiscal impact statement from the Legislative Fiscal office deals with the additional revenues available if these children were to

go under the state school support fund. Our fiscal impact statement shows what it would cost us to operate the educational side, which could come out of those additional revenues, or it could come out of other funds.

307 RICK BURKE, DEPARTMENT OF EDUCATION: Submits and reviews fiscal impact statement, (EXHIBIT M).

337 CHAIR WEBBER: Were all of the staff listed under the 1993-94, going to be added on in the first year or phased in?

342 Burke: Under the 1993-94 column, the program specialist and the office specialist would be added in the first year. In the second year, the

specialist drops off in favor of a program manager.

350 CHAIR WEBBER: Would it be necessary to have him on board for the full year for the planning?

355 Burke: That should only show up in the second year of the biennium. That's a mistake, (corrected version, EXHIBIT R).

368 SEN. CEASE: I'm confused about the shifting of the management. What's the rationale for moving this from Children's Services Division (CSD)?

377 CHAIR WEBBER: There is a concern about the management within CSD. It's a school program that's properly supervised by the school. But as a

counseling program, it's probably not in the best position to operate a school.

390 SEN. CEASE: What's the relationship with the people that run the school and the correction authorities?

403 JOHN PENDERGRASS, MCLAREN SCHOOL: CSD has recommended a requirement to develop a working agreement between the two agencies be included in the bill. Our agency is concerned with safety and security.

444 SEN. CEASE: This bill doesn't provide that at this point?

445 CHAIR WEBBER: One of the provisions in the amendment is that the implementation will be delayed a year so that a working agreement be

worked out.

450 SEN. CEASE: I understand the concern. But I think the Department of Education is going to need time to develop a somewhat different set of

experiences.

461 CHAIR WEBBER: I think the planning task force speaks to the commitment of the Department to work on that.

468 Bargaen: Do you think language is needed in this bill to make sure that the transfer of education funds will occur?

486 CHAIR WEBBER: We were talking about doing that in an amendment to specify that the money that is targeted for CSD be transferred to the

Revenue Division.

Tape 50, Side A

035 Burke: In the past, the enabling legislation hasn't been able to get the budget legislation to do something in advance.

049 Bargaen: It's my understanding that under the Department's amendments those programs under CSD in the first year would get those monies in the formula but the transfer happens in the second year.

060 McMurdo: The amendments would make the state school fund available to the schools beginning this fiscal year, unless you changed section 1.

066 SEN. CEASE: I don't understand why it costs so much to provide the education through the Department than it did through CSD?

069 CHAIR WEBBER: Because it's under-funded and there are several children not receiving their IEPs.

072 SEN. CEASE: How many people are we talking about?

073 Bargaen: About 408 children and 788 weighted students.

077 SEN. CEASE: After we move this to the Department, what happens to the money that CSD would have spent?

080 Bargaen: The Legislative Fiscal impact statement, (EXHIBIT N), does not take into account the transfer of money that's in the grant-in-aid

program because they didn't see the language in this bill to transfer those monies.

088 CHAIR WEBBER: My understanding is that the net expense is around \$.9 million.

100 SEN. CEASE: How do we justify this with all the financial problems we're having with schools now?

102 CHAIR WEBBER: We are out of legal compliance with the school

law.

103 SEN. CEASE: How long have we been out of compliance?

104 CHAIR WEBBER: Probably 10-15 years.

109 Brazeau: The Department of Education received a federal monitoring report in the 1970s about the lack of compliance.

114 SEN. CEASE: This bill would meet that compliance issue?

116 Brazeau: No, but it would move us closer and show that the state wants to properly serve those students.

119 SEN. CEASE: What would it take to meet the compliance?

120 Brazeau: I can't answer that. There was discussion last session about moving these programs. I have an estimate based on the examination done then; it was several million dollars. It's purely a projection.

131 SEN. CEASE: This was not in the Governor's budget. If it's such a compliance issue, why wasn't it in there?

133 Brazeau: I don't know. The budget for the program is not in the Department's budget.

141 Bargen: I understood your comments that the main reason for being out of compliance was the lack of funding. How much of moving towards

compliance is increasing the funding formula and how much is dependent on the transfer?

155 Brazeau: The extra funding is needed to move this program closer towards compliance, whether or not the transfer takes place. The

funding formula for this program is similar to the one used in the public schools. Practically speaking, I would say the program still may not meet the needs of the children because these are non-predictable children. The transfer would help the Department determine exactly what these children's needs are.

177 SEN. CEASE: Would like a more accurate funding projection. I think the cost will be a lot higher than that. The Department is taking on a

major undertaking. I assume the bill is going to Ways and Means and Revenue.

211 CHAIR WEBBER: Adjourns meeting at 4:55 p.m.

Submitted by:

Reviewed by:



Julie Mušiz  
Administrator

Lee Penny Assistant

EXHIBIT LOG:

A - Information on Early Intervention - Judy Newman - 2 pages B -  
Information on Early Intervention - Judy Newman - 4 pages C -  
Information on Early Intervention - Judy Newman - 3 pages D -  
Hand-engrossed amendments on SB 898 - Kathryn Weit - 7 pages E -  
Section by section outline of SB 898 - Kathryn Weit - 1 page F -  
Hand-engrossed amendments on SB 898 - Karen Brazeau - 7 pages G -  
Testimony on SB 898 - Dick LaFever - 1 pages H - Amendments to HB 2061  
- OSB A - 2 pages I - SB 26-12 amendments - Staff - 26 pages J - SB  
26-13 amendments - Staff - 26 pages K - SB 26 decision outline - Staff  
- 1 pages L - Hand-engrossed amendments on SB 881 - Karen Brazeau - 3  
pages M - SB 881 fiscal impact statement - Rick Burke - 1 page N -  
Legislative Fiscal SB 881 fiscal impact statement - Staff - 1 page O -  
Letters in support of SB 898 - Judy Newman - 17 pages P - Amendments on  
SB 26 - Ed Edwards - 1 page Q - Letter on SB 26 - David Smyth - 2 pages  
R - Corrected SB 881 fiscal impact statement - Rick Burke - 1 page