

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.

House Special Committee on Children's Issues March 27, 1991, Page HOUSE SPECIAL COMMITTEE ON CHILDREN'S ISSUES

March 27, 1991 Hearing Room F 3:00 p.m. Tapes 17 - 18

MEMBERS PRESENT: Rep. Bob Pickard Rep. Vera Katz, Vice-Chair Rep. Mary Alice Ford Rep. Carolyn Oakley Rep. Beverly Stein

STAFF PRESENT: Lee Penny, Committee Administrator Carolynn Gillson, Committee Assistant

MEASURES CONSIDERED: HB 3403 - Early intervention programs under Department of Education jurisdiction

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TAPE 17, SIDE A

005 REP. BOB PICKARD, CHAIR: Calls the meeting to order at 3:00 p.m. as a subcommittee. Reps. Oakley, Ford and Katz were delayed.

HB 3403 - Early intervention services Witnesses: Rosemary Adamski, parent Ginger Gorham, parent Peggy Pietka, State Early Intervention Coordinating Council Barbara Tudor, parent Karen Brazeau, Department of Education James Toews, Mental Health and Developmental Disability Services Division (MHDDSD) Barbara Dillon, parent Colleen Burke-Buesing Judith Newman, State Early Intervention Coordinating Counsel Cynthia Payne, parent Kathryn Ruiz, parent Myra Class, parent Lisa Miller, parent Tracy Aspirgo, parent Karen Markens, Early Intervention Advisory Group from Clackamas County Pat McFail, parent

014 LEE PENNY, Committee Administrator: Explains the provisions in HB 3403. > The HB 3403-1 amendment is an attempt to bring the Oregon law into compliance with the federal mandates (EXHIBIT A) which will be required in order to keep the preschool handicapped fund. > Reviews a preliminary staff measure summary for the original bill (EXHIBIT B) and the -1 amendment.

058 CHAIR PICKARD: Currently, there is no money for these services in anyone's budget.

Rep. Katz and Rep. Oakley arrive.

070 ROSEMARY ADAMSKI, parent of disabled child: Reads her testimony explaining how early intervention has helped her daughter and expresses support of HB 3403 (EXHIBIT C).

110 GINGER GORHAM, parent of disabled child: Reads her testimony explaining how early intervention has helped her disabled daughter, Ashley, and urging support of Oregon's compliance with Public Law 99-457 (EXHIBIT D).

180 REP. VERA KATZ: Why are you supporting the transfer of jurisdiction of these programs from Mental Health to the Department of Education?

GORHAM: Mental Health, with the exception of case management, does not have any direct educational or supportive services for the children. In Douglas county, they contract everything out through the education service district (ESD). The help my daughter gets is through the ESD. It varies from county to county.

REP. KATZ: I wonder if the shift in jurisdiction impacts the ability to match federal funds.

203 PEGGY PIETKA, parent representative of State Early Intervention Council: Talks about her experiences in finding early intervention services for her daughter. > Without the state's continued commitment to this cause, not only will we lose federal funding, but will continue to misserve a really needy population. > If it is an educational issue, it should go through the Department of Education. > Mental Health has said there is no room in their budget for early intervention services. > The Department of Education is our only option to preserve the services we have now.

REP. KATZ: Is it a money issue or a policy issue that you would rather have children with disabilities educated and treated under the Department of Education? Will the Department contract with treatment programs? I support the program and want it funded.

PIETKA: Wherever the money comes from, my daughter is a developmentally disabled person. I will take treatment from wherever I can get it.

276 LEE PENNY: The federal government has amended PL 94.142, the Education of All Handicapped Children Act, by lowering the service age down to three and making all the due process procedures applicable to the younger children. Increasingly, it has become an educational program.

318 BARBARA TUDOR, parent of disabled child: I believe the services should be under the Department of Education because everyone I deal with is through the Portland Public Schools. Most of the time, I don't deal with anybody from Mental Health.

CHAIR PICKARD: Could you give us an example of your daughter's treatment?

TUDOR: Describes the treatment her daughter is involved in. > Parental training is also involved.

REP. KATZ: Why is the Portland Public School District dealing with a 19-month old?

415 KAREN BRAZEAU, Department of Education: The current early intervention program, which serves severely disabled children from birth to age five, is administered jointly by the Department of Education and Mental Health the MHDDSD. The actual program operation is contracted out to various providers around the state. Many are educational providers.

School districts are not required to provide services, but many choose to.

CHAIR PICKARD: It is a recent understanding that kids with disabilities profit by early intervention services and are more likely to lead better quality lives.

BRAZEAU: Explains it is true with many kinds of disabilities.

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017 REP. KATZ: Trace the money for me?

019 JAMES TOEWS, Mental Health Developmental Disability Services, DHR: A variety of programs are patched together in a mandate. Both the Department and Mental Health were given the mandate to jointly operate the program. It is funded out of three different sources: federal Chapter 89-313 funds, state general fund and basic school support dollars through a formula.

REP. KATZ: You contract with the county who then contracts with a school district?

TOEWS: In some cases, yes. About \$90,000 of the \$17 million early intervention program goes to the county for local administration.

REP. KATZ: Why don't you bi-pass the county?

TOEWS: By statute, all our services at the local level flow through county government.

BRAZEAU: The proposed transfer was planned long before Ballot Measure 5 passed. The transfer is not the result of a budget problem. > Explains why it makes sense for the Department of Education to run the program.

063 REP. KATZ: Does the county lose any of that money and do they object to this change?

TOEWS: No. There has not been unanimous support in the mental health community to transfer the services from the Division to the Department. The federal mandate is part of the rationale for the transfer. We want the program to be run by the same agency no matter what the age of the child so parents do not have to transfer from one agency to another as their child gets older.

BRAZEAU: The Department accepts the responsibility for serving the kids even though it could be a program without funding.

096 REP BEVERLY STEIN: Would the Department contract directly with the other providers?

BRAZEAU: Our intent is to have the people in the field who are doing a good job of running the programs now be able to continue. > One funding scenario, if the state complies with the new federal law, would have some of the unserved mildly disabled children receive their special education support services in other preschool programs.

REP. STEIN: Working with the family is an important aspect of dealing with young children. Would that focus continue?

BRAZEAU: The State Early Intervention Coordinating Counsel is concerned that focus be maintained. The Department would like to see the family involvement continue.

REP. KATZ: Will Mental Health be out of the picture completely?

TOEWS: We are still debating whether we will provide case management and other kinds of support.

160 REP. KATZ: If the responsibility is transferred to the Department, it should provide the case management.

TOEWS: There are a lot of other services families need which have to be coordinated long past the early intervention and school-age years. The federal mandate calls for multi-agency kinds of scenarios.

REP. KATZ: The Department will be advocating for more money for the early intervention program.

BRAZEAU: The state has two decisions before it. > Is the state going to continue operating this program for kids with the most severe needs? > Is it going to expand to meet federal compliance and serve a larger group of children with more mild disabilities? It would be a state-operated program, not shifted to local school districts.

199 REP. OAKLEY: What happens if we don't comply with the federal mandate?

BRAZEAU: There are a number of sanctions that the federal government intends to impose. > To our knowledge, Oregon is the only state considering not complying with the three-and-four year old piece. > The state would lose the federal funds it currently has in early intervention programs. Refers to handout showing the amounts of money involved (EXHIBIT E).

REP. OAKLEY: What is the total amount budgeted during last biennium for the existing program?

BRAZEAU: Refers to the amounts listed in the handout concerning both agencies.

260 BARBARA DILLON, parent of disabled child: Introduces her daughter, Tricia, who has been involved in early intervention services since she was five-weeks old. > Tricia shows the committee members a picture and reads them a story. > Supports early intervention services and the home visits.

348 COLLEEN BURKE-BUESING, parent of disabled child: Introduces her 15-month old daughter, Michelle, who is disabled. Reads her testimony in support of Oregon's early intervention program (EXHIBIT F). > Explains how early intervention services have helped her daughter.

Rep. Ford arrives at 4:05 p.m.

TAPE 17, SIDE B

002 BURKE-BUESING: Continues reviewing her testimony explaining how early intervention services have helped her daughter. > Believes the program belongs under the Department of Education.

070 JUDITH NEWMAN, State Early Intervention Coordinating Council: We would like language incorporated into the bill to focus on the family. One of the strengths of the program has been it's co-managed status. It has encouraged collaboration across agencies. If we need one lead agency, it makes sense for it to be the Department of Education.

CHAIR PICKARD: Suggests submitting amendments to the committee at it's next meeting on the subject.

REP. KATZ: Are certified teachers involved with early childhood intervention?

BRAZEAU: Right now, there is not a requirement for certified teachers to be in classrooms where early intervention services are provided. The Department would establish personnel standards for preschool teachers. If licensure were imposed now, it would increase the cost significantly and we wouldn't have people to do the job. We are anticipating the federal government will go along with us on that.

166 CYNTHIA PAYNE, parent of disabled child: Introduces her son, Marshall, who is developmentally delayed and blind. > Explains how the early intervention program has enabled their family to come to grips with the problems Marshall has.

218 KATHRYN RUIZ, parent of disabled child: Explains how her son, Steven, who has Downs Syndrome, has been helped by early intervention services. > He would not be in the first grade now without the services. > Concerned about benefits being cut for mildly retarded children like her son.

CHAIR PICKARD: Part of the program is parent education and getting parents to deal with the fact that they have a special child and avail themselves of the programs.

280 MYRA CLASS, family services coordinator for the Association of Retarded Citizens of Multnomah County and co-chair of Multnomah County Early Intervention Advisory Group: In Multnomah county, there are at least 10 agencies that contract for early intervention services. > Supports the move to the Department because children can be mainstreamed earlier in their lives. > Hopes the legislation leaves in the flexibility to contract with a variety of programs. > Explains why she feels case management services should stay in Mental Health. > Suggests legislation include case management services as a specific service to be provided by an agency.

334 LISA MILLER, parent of disabled child: An important issue for our family is that our 2 1/2 year old son Grant, who has muscular dystrophy, be able to attend a preschool. > Stresses the importance of families continuing the services they have already started if there is a transition.

379 TRACY ASPIRGO: Explains how early intervention services have helped her autistic son. > They would move to the state of Washington if the services are cut in Oregon. > Explains how ARC has helped with respite care.

430 KAREN MARKENS, co-chair of local Early Intervention Advisory Group in Clackamas County: Explains as a co-consultant she works with parents of children with disabilities. > A significant number of severe emotionally disturbed children are not being served.

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002 PAT McPHAILL: Talks about her two-year old son Tony, who has Downs Syndrome and about her experiences with early intervention.

046 CHAIR PICKARD: Adjourns the meeting at 4:40 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG:

A - Amendment on HB 3403 - committee staff - 32 pages
B - Preliminary Staff Measury Summary - committee staff - 1 page
C - Testimony on HB 3403 - Rosemary Adamski - 1 page D-Testimony
on HB 3403 and picture - Ginger Gorham - 1 page E-Chart of early
intervention program - Department of Education - 1 page F-Testimony on
HB 3403 - Colleen Burke-Buesing - 2 pages