

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 COMMITTEE ON EDUCATION

January 23, 1991Hearing Room F 1:30 p.m.Tapes 6 - 7

MEMBERS PRESENT:Rep. Carolyn Oakley, Chair Rep. Vera Katz, Vice-Chair Rep. Bruce Hugo Rep. Delna Jones Rep. Mike Nelson Rep. Bob Pickard Rep. Walt Schroeder

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

MEASURES CONSIDERED: HB 2117 - Recognizes responsibility of juvenile training schools and camps to provide special education to youth in their care HB 2118 - Conforms Oregon State Schools for Deaf and Blind to special education laws HB 2205 - Requires State Board of Education to specify by rule type of discipline that may be used for special education students

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TAPE 6, SIDE A

005 REP. CAROLYN OAKLEY, CHAIR: Calls the meeting to order at 1:35 p.m.

(Tape 6, Side A) HB 2117 - PUBLIC HEARING Witnesses:Karen Brazeau, Department of Education Roberta Hutton, Department of Education Lenn Munks, Children's Services Division (CSD)

029 CHAIR OAKLEY: Reviews the purpose of the bill.

039 KAREN BRAZEAU, associate superintendent for Special Education, Department of Education: > The Department is required to assure that children in the schools listed in the bill, who are eligible for special education, receive appropriate services. We monitor local school districts and state-operated schools to carry out that responsibility regularly. > The U.S. Department of Education has determined that the state Department is out of compliance in fulfilling it's oversight responsibility for Hillcrest, MacLaren and satellite camps. > We provide technical assistance to the schools to help them carry out the provisions in the law.

065 REP. VERA KATZ: Would you describe the characteristics of those children that would demand a different type of educational plan?

BRAZEAU: Many of them are eligible for special education services and

have an individual education plan (IEP) in their resident school district. They tend to be children with learning disabilities, are emotionally disturbed or have speech and language problems. The schools want to provide the required services but do not have the resources to do so.

082 REP. WALT SCHROEDER: Are Hillcrest and MacLaren considered to be standard schools?

085 ROBERTA HUTTON, assistant superintendent in the School Improvement Division, Department of Education: We recently did standardization visits at the schools and the satellite camps. > The schools have problems in meeting their own standards because of funding. > An advisory committee to the schools has not met since 1980.

101 REP. SCHROEDER: Is there a need to have a bill requiring them to do something other schools are already required to do?

BRAZEAU: The Department's intent is to carry out it's oversight responsibility by making it clear that the children in those schools are not exempt from special education rules.

121 REP. DELNA JONES: Is this bill going to change what you do?

BRAZEAU: I don't think it will. This bill is, in part, to satisfy the federal government that we are aware of our responsibility. It is part of our Corrective Action Plan to the U.S. Department of Education.

REP. JONES: Is the plan an indication that the Department understands the requirements?

BRAZEAU: Because the situations at the schools have been going on so long, the federal government felt it was not clear who was responsible for providing these services.

147 REP. SCHROEDER: Would passage of this bill bring the Department more funding to do the job?

BRAZEAU: The Department has not introduced a bill to provide funding. The Children's Services Division feels the funding is inadequate to fulfill this obligation.

154 REP. BRUCE HUGO: Why doesn't the Department ask for the total responsibility to provide the education under the Dependent Child Act and have local resident districts contribute to the cost of the education?

BRAZEAU: Explains that may not be the best way to go in terms of funding. The Department has not targeted these children as a priority in its program but recognizes that someone must provide the programs for them.

REP. HUGO: Why is the Department not bringing a proposal to the Legislature to provide an education for these kids instead of supporting a bill that shows the U.S. Department of Education that the state Department knows it's responsibility?

BRAZEAU: The issue is that there are not enough funds to run the program appropriately whether CSD runs it or the Department of Education.

REP. HUGO: Why is the local district not contributing to the educational costs of these kids?

201 BRAZEAU: For other state-operated programs, the resident districts contribute through the county school fund billings.

REP. HUGO: Instead of this bill, I would rather see CSD and the Department come to the Legislature with a proposal to provide education for the kids and a funding mechanism that parallels other funding mechanisms.

206 REP. KATZ: This bill has over a \$4 million impact (EXHIBIT A) that is not in the budget. How do you plan to pay for it?

BRAZEAU: At this point, we don't have a plan to pay for it. This is in CSD's budget and funding is a long standing issue.

231 REP. JONES: Points out that the fiscal projection assumes all students are special education students.

BRAZEAU: It is highly likely all the children in these schools would qualify for special education services.

245 REP. SCHROEDER: What will happen if this bill is not passed?

BRAZEAU: I am not sure if the federal government will withhold funds. The state receives \$16 million a year for special education. Funds are not being withheld now because we have a Corrective Action Plan.

275 LEE PENNY, Administrator: Will the report from the standardization visit have any dollar estimate of what it will take to bring the regular school program up to state standards?

HUTTON: We don't usually make a fiscal forecast in our report. It will be part of negotiating a plan for correction. It is obvious from the visits that the schools cannot do program improvement without additional funding and staff.

295 LENN MUNKS, assistant administrator for juvenile corrections programs, CSD: > Reviews his written testimony supporting HB 2117, which recognizes the responsibility of juvenile training schools and camps to provide special education to youth in their care (EXHIBIT B).

397 REP. KATZ: If we provide the funding, what will you be able to show us in terms of your normal curve equivalent (NCE)?

401 JOHN PENDERGRASS, educational director at MacLaren: We could increase the NCE needs by serving the kids for a longer period of time, and we could provide the same type of service to more students. Our Chapter I program serves about 192 students. Currently we have one special education teacher serving all those children.

443 CHAIR OAKLEY: Have you considered turning this program over to the Department?

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013 MUNKS: We have no objection to that. In the past, we have approached the Department. It has considered the matter but has not

acted to make the change.

REP. HUGO: Does the Marion county ESD have any responsibility for services in training schools in the county?

MUNKS: I asked for an opinion from the Department and no it is not. The training schools and camps are not considered a local education agency.

034 REP. KATZ: It ought to be the resident community that helps finance this program so it is not entirely general fund money. I would like to see figures showing how the funds would be used.

052 MIKE TEBB, Speech Pathologist: I have worked with kids at MacLaren, Hillcrest and the satellite camps for five years and there is a need. > Over half of the kids have hearing losses, speech or language problems. This is compared to 10 percent in the general population. > The turnover in kids at the schools is every six months. > Talks about the special problems kids have at the schools. > These kids do not learn from all our planning, time and money. > We have a recidivism rate of 80 percent. > These kids are wards of the court and in state custody. Are you satisfied with merely providing health and safety for these kids? Are you satisfied with merely providing custodial care? Can we use trained professionals to help change the attitudes and behaviors of these kids?

226 REP. KATZ: I understand additional resources would help. Are we approaching this in the wrong way? Can the recidivism rate be reduced?

TEBB: The recidivism rate could be reduced if there were some coordination between the home districts and the training schools. There is no coordination now.

REP. KATZ: Structurally, we are doing something wrong.

255 REP. JONES: If you could design a plan with better coordination and use of resources, could you help this Legislative body work on that?

TEBB: Yes, I would love to help.

(Tape 7, Side A) HB 2118 - PUBLIC HEARING

276 CHAIR OAKLEY: Reviews what the bill does.

290 DON EDWARDS, assistant superintendent for special schools, Department of Education: We are asking you to look at Chapter 346 for two reasons: align language in our statute that will coincide with federal special education law and clarify transportation issues and who has responsibility for what. > Goes through each section of the bill and explains the proposed language changes. > Reviews a proposed amendment concerning transportation (EXHIBIT C) making the procedure and responsibility clearer in the statutes. > Reviews the remaining sections of the bill.

426 REP. HUGO: Why are you repealing the language in Section 9 concerning conveyance for medical treatment and paying for medical services?

EDWARDS: Medical services are not required by special education law.

TAPE 6, SIDE B

010 EDWARDS: We do provide transportation for emergency medical care but we do not pay for it. Most families are covered by medical insurance or have a medical card.

REP. HUGO: By repealing the law, you are assuming all the parents will have medical insurance that will pay for the transportation and emergency medical treatment.

023 BRAZEAU: We would still transport children who have emergency medical needs. For years, we have not taken children to specialists outside the purview of special education. We have no financial provisions to pay the medical costs of children at the state schools for the deaf and the blind.

REP. HUGO: Who pays if the parent has no medical insurance?

EDWARDS: I don't know.

BRAZEAU: By placement of students in the schools for the Blind and the Deaf, the state has not taken on full 24-hour a day care for those children. The medical care for those children would remain with their parents.

068 REP. KATZ: With the law the way it is today, who would pay?

EDWARDS: The Department would be responsible until it found someone to pay for it.

REP. KATZ: Until we solve the health care problem, we ought not shift the responsibility to pay on to others.

(Tape 6, Side B) HB 2205 - PUBLIC HEARING

089 CHAIR OAKLEY: Reviews purpose of the bill.

095 BRAZEAU: The law makes it appear that school districts can exclude children from school for behavioral reasons. This bill makes it clear that school districts cannot exclude children who have behavioral problems related to their handicapping conditions.

REP. HUGO: Please explain why you are removing the language indicating no pregnant child shall be removed from school solely based on the pregnancy?

BRAZEAU: Right now, under state law, pregnant girls are considered eligible for special education. They are not eligible under federal law. There is another bill that would remove pregnant girls from special education eligibility and require other kinds of services for them. > Explains how having pregnant girls eligible for special education services puts school districts in a tremendous amount of legal liability. > It is not the Department's intention that the girls not receive services.

152 REP. HUGO: Explains his concern about continuing education of pregnant girls.

BRAZEAU: Our intent is not to exclude pregnant girls. We don't have a problem with retaining the language on pregnant girls.

177 REP. KATZ: It would be easier to say pregnancy is not a handicap.

REP. JONES: Suggests combining the provisions in the other bill with HB 220 5.

BRAZEAU: I believe we can do that.

194 CHAIR OAKLEY: Adjourns the meeting at 2:45 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG: A - Fiscal Impact Statement on HB 2117 - CSD - 2  
pages B - Testimony on HB 2117 - Lenn Munks - 2 pages  
C - Amendments to HB 2118 - Don Edwards - 1 pages