

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 28, 1991Hearing Room F 1:30 p.m.Tapes 8 - 10

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

ISSUES AND MEASURES CONSIDERED: Training School Educational Programs HB 2421 - Abolishes State Textbook Commission - PPW

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TAPE 8, SIDE A

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

(Tape 8, Side A) Training School Educational Programs Witnesses: Norma Paulus, Superintendent of Public Instruction Judy Miller, Department of Education Roberta Hutton, Department of Education Len Munks, Children's Services Division (CSD) Bobby Minks, Children's Services Division

015 NORMA PAULUS, Superintendent of Public Instruction: The Department would be more than willing to assume responsibility for the educational programs at Hillcrest and MacLaren. > We know that money will be a real problem. > I understand there is a bill that could be used as a vehicle.

043 JUDY MILLER, assistant superintendent for student services, Department of Education: Gives the committee background information on the issue of improving the educational programs at Hillcrest and MacLaren. There are a number of issues to be considered: > 513 of our most difficult youth are served in these programs. Over 55 percent are identified as in need of special education. > The Children's Services Division's (CSD) custody, treatment and safety concerns have come first before education. > The Department would like to try and provide a more appropriate educational program for these children. > Hope to work with CSD to address the funding concerns.

082 ROBERTA HUTTON, assistant superintendent in school improvement, Department of Education: Speaks about visits to the schools. > If the Department were in charge of the educational programs, it would have an advantage in terms of coordinating efforts with local school districts,

education service districts and other educational entities. > A joint effort between CSD and the Department would put us in a better position to look at grant funds and federal funding.

REP. WALT SCHROEDER: How do you determine if a student is in need of special education?

MILLER: Generally, these students have a whole variety of handicapping conditions and disabilities.

115 CHAIR OAKLEY: What is the ratio of students to teachers?

HUTTON: As a result of downsizing and the cap put on those programs, the teacher-student ratio has grown. In most cases, they exceed the federal guideline of 1 to 10. The number varies. > There is no certificated physical education person on staff. > There are no educational counselors assigned to those facilities. So there is no mechanism in place to intercede or smooth the transition back into public school.

160 CHAIR OAKLEY: Are the children in the camps those with the least problems?

HUTTON: The camps are intended to be a transition.

167 REP. BRUCE HUGO: Under current law, the superintendent is responsible for approving the educational programs at these facilities. The programs are to meet standards established by the Board of Education. Do the programs not meet those standards?

HUTTON: Those standards are separate from standards for public schools. > Our visits were requested by the administrative staff at the schools. Their advisory school board, which is dictated by statute and rule, does not exist. If the Department is going to get involved with this program, the superintendent will sit down with representatives of the schools and choose a capable and concerned board to monitor operation of those programs at the policy level.

REP. HUGO: What you are saying is that the Board of Education has not fulfilled it's responsibility under the law which is to establish standards?

201 PAULUS: If the public school districts do not meet the standards, the Board and the Department can withhold basic school support. I don't know what the remedy is with these institutions, especially when the governing body has education as it's third priority.

HUTTON: The Board has established standards, but those standards have not be updated since the early to mid 70's. The Standardization Division of the Department recommends that those standards be overhauled and the advisory board be involved in redrafting those standards.

REP. HUGO: Once before this whole process stopped because of funding. What leads you to believe funding would be available now if the training school programs are moved under the Department?

232 PAULUS: We think we can put education as our first priority and do more with limited resources. There are ways to improve those educational programs, and we are willing to try.

REP. HUGO: What assurances will there be that the Department can do a better job?

PAULUS: I think we have a moral obligation to the youngsters in those institutions and camps and the Department is willing to accept the responsibility with whatever resources we have. > I can't answer for the former Board and the former Superintendent, but we are willing to give this a try.

REP. HUGO: I assume you are supporting LC 2579 requiring local school districts to provide education to children in detention facilities located in the district.

PAULUS: The Department did not request LC 2579.

280 LEE PENNY, Committee Administrator: Explains how LC 2579 is related to different facilities and different governing bodies.

MILLER: Reminds the committee there are not sufficient funds available for the educational programs. > Explains why education is so important for the youngsters in the training schools.

REP. DELNA JONES: What happens to the funding that normally local school districts have available to them when the student is in the classroom and then moves to a detention center?

MILLER: The student would not be counted and would not generate dollars at the local district. It is counted quarterly.

417 LEN MUNKS, assistant administrator, CSD: For the record, I want to clarify some things that were stated earlier on this issue: > CSD looks at education equally with security and treatment at the institutions. > The revocation rate at the institutions is 41 percent. > The teacher ratio funded by the Ways and Means Committee is 1 to 15. > The \$4.2 million indicated in our fiscal analysis (see EXHIBIT A, HB 211 7, 1/23/91 House Education minutes) includes bringing our special education component of our educational services up to standard. It does not include the consideration for other deficiencies that may be found in the recent Department audit.

TAPE 9, SIDE A

023 BOB MINK, deputy administrator, CSD: CSD wants to work with the Department on this proposal. We need to ensure we are still able to operate the correction facilities for youth, protect the community safety and enable these youth to receive treatment.

REP. VERA KATZ: Unfortunately, because of limited resources, this is not one of my priorities for spending additional general fund money.

048 REP. BOB PICKARD: Speaks about turf battles resulting from agencies sharing responsibility for programs. This will undoubtedly get a lot of legislative scrutiny.

(Tape 9, Side A) Work Session - Introduction of Committee Bills

079 PENNY: Lists the LC drafts being considered for introduction as committee bills and the problems addressed: LC 2789, 2579 at the request of the Multnomah ESD, and 232 1 at the request of Gary Lineburg (EXHIBIT A).

PAULUS: The Department has not requested a bill that speaks to the Department taking over the education programs at the detention centers. If the Legislature determines that the Department is to have this authority, then the Department stands ready and willing to accept the responsibility and will work cooperatively towards an effective transition.

151 MOTION: Rep. Hugo moves that LC 2789, 2579, 2321 be introduced as committee bills as requested.

PAULUS: It is not the Department's intention to invade the present basic school support in order to take on these programs. My personal priority for funds is with prenatal care. We are willing to accept the program with present funding. We would need more money to do an adequate job.

REP. HUGO: The law says the superintendent "shall" approve a program. Programs have been approved that should not have been approved and there has been no penalty for doing it.

MOTION ADOPTED: There was no objection to introduction of committee bills.

(Tape 9, Side A) HB 2421 - Abolishes State Textbook Commission Public Hearing Witness: Norma Paulus, Superintendent of Public Instruction Wayne Neuberger, Department of Education Barbara Wolfe, Department of Education Jan Doerfler, State Textbook Commission Evie Andrews, State Textbook Commission June Ruyle, Citizens for Public Education, Inc. Sax Stone, textbook publisher Les Ray, Northwest Textbooks

210 PAULUS: Explains the bill was introduced to rid the Department of an unnecessary layer of government. > It would eliminate staff time and administrative entanglements. > In the first year of this biennium, the Department has already spent \$253,000 on advisory committees. The amount of money for the Textbook Commission is not a great amount. > The fee the publishers pay for textbook approval goes into the general fund not the Department's budget. We are asking that the money be transferred to the Department. > We are asking for the fees out of the general fund and the \$30,000 we give up for the per diem and expenses of the Commission. > Our purpose is not to question the integrity or intelligence of the Commission.

301 WAYNE NEUBERGER, associate superintendent for school improvement, Department of Education: Gives the committee background information concerning the difficulty school districts were having in implementing the common curriculum goals which are on the same six- year cycle as the textbook adoption process. > The State Board took action to provide relief to the local school districts on implementation of the curriculum. It could not take action concerning the textbook cycle. > A committee was appointed and a researcher was commissioned to look at textbook issues. Two reports were provided to you: A Study of Oregon's Textbook Adoption Policies and Procedures (EXHIBIT B); and a Report of the Textbook Adoption Process Study Committee (EXHIBIT C). Both reports and the Department recommend there needs to be more flexibility in statute to set the cycle for selecting textbooks. > The Department feels the process can be done more efficiently with existing staff. > The committee suggested the Department go to a yearly adoption of materials rather than every two years. > Currently, there are two different textbook adoption systems going on in the state. The four larger school

districts have a system and the rest of the state has another system. If school districts with fewer than 15,000 students wanted to use a textbook that was not on the state adopted list, they had to get approval from the Board for any substitutions. The larger districts can adopt any material they want without notifying the Department or getting approval. > This legislation would put all of the school districts on the same system using the same criteria. If they did not want to use materials on the state adopted list, the school districts would need to get approval from their local board and notify the Department.

TAPE 8, SIDE B

042 NEUBERGER: Reviews the current process (EXHIBIT D) and the proposed process in the legislation (EXHIBIT E).

CHAIR OAKLEY: How many teachers are involved in the textbook evaluation process?

090 BARBARA WOLFE, curriculum coordinator, Department of Education: Each of the seven commissioners appoints two evaluators.

REP. SCHROEDER: Is this system going to be less expensive than what we have now?

PAULUS: It will not be more expensive. I think we will be saving both money and staff time, and involving more teachers around the state. > Points out that the Board of Education is broadly representative of the philosophy in different regions of the state. The Board is appointed by the Governor and the Textbook Commission is appointed by the superintendent. > Our proposal will keep the process fair for publishers to get their textbooks approved. > We plan to keep the textbook depository because it saves all school districts money.

128 NEUBERGER: Continues his testimony explaining the procedures proposed in the bill.

REP. KATZ: Has the Board approved this plan?

PAULUS: Prior to my entering office, the Board had formed a committee to report back with recommendations to the Board. The Board has not been able to react to the recommendation.

REP. HUGO: What is the problem with the way things are now and how will the system improve with this bill? Why not let local school boards decide about the textbooks to be used in their district?

171 NEUBERGER: This bill will improve the process for selecting textbooks. By having a state approved list, we get a break on the price of the textbooks and are able to have a textbook depository.

REP. HUGO: Is there a problem with the quality of textbooks used in the State of Oregon?

WOLFE: Typically, the textbooks adopted in Oregon are also adopted in other states. The textbook screening benefits Oregon's school districts because they receive the evaluation information and can have their own prescreening process based on Oregon's common curriculum goals.

REP. HUGO: The only advantage appears to be buying the books in bulk.

NEUBERGER: Materials that do not meet Oregon's criteria do not get included on the list. The proposed process will make it easier for local school districts to evaluate the material.

231 REP. HUGO: Does this process assist or defeat empowering the classroom?

PAULUS: We think it is assisting the schools.

REP. HUGO: Why does this have to be done at the state level?

NEUBERGER: Explains how the present textbook selection system is a deterrent to empowering local teachers and how the proposed system will improve the situation.

277 REP. KATZ: Suggests leaving the textbook selection based on curriculum goals to the local school districts or individual school buildings.

WOLFE: Committee members and school districts have indicated they do not have the time to review the materials. This system allows the Department to get the selected materials under contract at a lower cost.

314 The committee takes a break at 2:55 p.m. and resumes at 3:10 p.m.

332 JAN DOERFLER, citizen member of the Textbook Commission: Gives the committee background information concerning the State Textbook Commission and reviews changes in the statutes. > Talks about the work load and the time commitment of a commissioner. > Lists screening considerations. > Doubts the Department has the staff time and funds to do the review process.

TAPE 9, SIDE B

016 DOERFLER: One policy issue we deal with is the definition of the criteria by which material will be judged. It takes time and contemplation to get it done right. > It has been difficult for the Commission to get it's criteria done on time for the Board because the Department has not been able to get the common curriculum goals ready on time. > Explains the importance of the Commission continuing to exist under the direction of the Board. > Describes some of the recently approved materials developed for the Oregon market. > There needs to be more flexibility in the system. > Addresses the problems small school districts have concerning the use of textbooks not approved by the Board. > Teachers are the backbone of the evaluations once the criteria is developed. > The Commission members and volunteer textbook reviewers work without compensation. Compensation has been discussed. > Two policy issues are who should set the criteria and how evaluators should be chosen so there is a broad perspective.

256 NELSON: Why would school district superintendents be in support of abolishing the Commission?

DOERFLER: The Department interacts with school districts on the Commission's behalf. The problems really lie with the state standards.

272 EVIE ANDREWS, member of the Commission and elementary teacher in the Tigard- Tualatin School District: The local school district superintendents have met with State Superintendent Paulus and the Textbook Commission was discussed. > Submits written testimony opposing

the bill (EXHIBIT F).

REP. JONES: Have you made recommendations to the Department to change the textbook standards?

DOERFLER: The Commission has not had time to talk about the process.

ANDREWS: The Process Study Committee made recommendations about changing the textbook adoption process and it is reflected in their report (see EXHIBIT C). Two Commission members were on that committee.

341 DOERFLER: Encourages the committee to get the publisher's view of the Textbook Commission and state textbook adoptions.

REP. HUGO: Of the materials that come in, what percentage do not meet the criteria?

DOERFLER: From 48 to 53 percent are rejected. The overriding issue is matching our criteria. Sometimes it is difficult to chose textbooks because so many match the state's criteria. The match varies from category to category. > Members of the Commission are appointed for four years by the Board on the recommendation of the Superintendent. Members may serve two terms. Every two years we do one section of the three major curriculum areas.

410 REP. HUGO: What is the problem over the Textbook Commission?

DOERFLER: I think it is a turf battle. The commissioners have felt their independence allows the process to be more open and less directed by any particular viewpoint. The Department would like the opportunity to direct the Commission.

TAPE 10, SIDE A

020 CHAIR OAKLEY: Do you feel there would not be a cost savings to the Department because of the staff time involved?

DOERFLER: I feel that is true.

024 REP. KATZ: Is the turf battle because of personality, control or major differences in the choice of textbooks and curriculum criteria?

DOERFLER: Explains why she feels it is a control issue because the Commission acts independently of the Department.

ANDREWS: Talks about the process the Commission used when it adopted the K-2 criteria.

078 REP. JONES: Who is having difficulty with the decisions the Commission is making?

DOERFLER: I believe it is a control battle. The Department would like to direct the process.

REP. SCHROEDER: How many hours does you Committee spend going through texts?

DOERFLER: I can't give you an estimate for each commissioner. My own estimate would be a number of weeks.

124 REP. KATZ: Would the decision on which textbooks are selected be any different?

DOERFLER: It is all determined by the criteria set by the Commission.

138 REP. KATZ: Do the publishers have an easier task of getting to the Textbook Commission or to the Department curriculum experts?

DOERFLER: I am not sure I know. The stability of the Commission is desirable. The publishing companies would like to see the state adoption process dropped.

REP. HUGO: There are 22 states with a textbook adoption process. How does the criteria differ?

DOERFLER: It varies greatly.

189 JUNE RUYLE, Citizens for Public Education, Inc.: Gives the committee background information on the organization and reads testimony in opposition to HB 242 1 (EXHIBIT G).

353 REP. HUGO: Does your organizations approve of the textbooks the Commission is approving?

RUYLE: I am not sure I can answer your question. I am not sure we review all the textbooks included in the 50 percent that the Commission approves.

378 REP. NELSON: Local school districts want to maintain more local control and not give up more control. How would you respond to that?

RUYLE: We feel that the Textbook Commission is less central than the proposed legislation.

397 SAX STONE, field sales manager, Scott Foresman: I have been in the publishing business for 28 years. I have worked with 13 states with a textbook adoption process. Oregon's system represents the most ethical, unpolitical and honest process. > Urges the committee to keep the State Textbook Commission.

REP. NELSON: How much do we spend on textbooks in this state for grades K-12?

439 LES RAY, Northwest Textbooks: Last year, Oregon spent over \$18 million for textbooks. The previous year was a little over \$19 million.

REP. NELSON: Do we get discount for doing it this way?

RAY: Explains how the price is determined.

475 CHAIR OAKLEY: Adjourns the meeting at 4:15 p.m.

Submitted by:      Reviewed by:

Carolynn GillsonLee Penny Assistant      Administrator

EXHIBIT LOG: A - Introduction of Bills - Committee staff - 4 pages  
B - Textbook Adoption Study - Department of Education - 60 pages

C - Report on Textbook Adoption Process - Department of Education  
- 12 pages D-Textbook Commission process - Wayne Neuberger - 2  
E-Proposed textbook adoption procedures - Wayne Neuberger - 1 page  
F-Testimony - Evie Andrews - 3 pages G-Testimony - June Ruyle - 3 pages