

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

February 25, 1991Hearing Room F 1:30 p.m.Tapes 25 - 26

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 Carolyn Gillson, Committee Assistant

MEASURES CONSIDERED: HB 2573 - Transfers cost of education at juvenile training schools - PPW HB 2572 - Requires school district to provide education to children in detention facility - PPW

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TAPE 25, SIDE A

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

(Tape 25, Side A) HB 2573 - Transfers cost of education at juvenile training schools from CSD to Department of Education Public Hearing Witnesses:John Danielson, Oregon Education Association (OEA) Tom English, Oregon Council on Crime and Delinquency (OCCD)

009 LEE PENNY, Committee Administrator: Gives committee background information on the bill. > Refers to the fiscal impact statement (EXHIBIT A).

024 JOHN DANIELSON, OEA: OEA represents the teaching faculty at both Hillcrest and MacLaren schools. The faculty is in support of HB 2573. > Regardless of the cost, the state is required to provide the special education programs at these institutions.

CHAIR OAKLEY: How do the teacher salaries at MacLaren and Hillcrest compare to teachers in public schools?

DANIELSON: The salaries and benefit packages have been slightly lower at the institutions, but the teachers have a longer school year than public school teachers.

059 REP. WALT SCHROEDER: What additional costs are in the \$4.2 million?

DANIELSON: Most of the kids at these institutions require special

education on one level or another. We don't believe it is an extra cost associated with transferring the responsibility from one department to another.

070 TOM ENGLISH, OCCD: Gives background information about the organization. > Concerned about lack of standardization and program availability at MacLaren. > Believes the institutions do not get the needed resources because of other demands on the Children's Services Division's budget. > Transferring the responsibility to the Department of Education will give the institutions and the youth they serve the attention they need. > Believes there will be additional costs for providing education.

(Tape 25, Side A) HB 2572 - Requires school district to provide education to children in detention facilities located in district
Public Hearing Witnesses: Alan Thede, Multnomah County Education Service District (ESD) Frank McNamarra, Portland School District Jim Maxwell, Lane County ESD Tom English, Oregon Council on Crime and Delinquency (OCCD) Alan Tressider, Oregon School Boards Association (OSB A) Marilyn Evans, Confederation of Oregon School Administrators (COSA)

104 PENNY: Gives committee background information on the bill.

112 ALLAN THEDE, superintendent of Multnomah ESD: Reads testimony in favor of HB 2572 (EXHIBIT B) concerning educational costs to the Multnomah County ESD for serving youth who are incarcerated at the Donald E. Long Juvenile Home (JDH).

160 REP. DELNA JONES: How much are you talking about and how many students do you have? Who is receiving the state funds for these kids?

THEDE: The cost per student is about \$35 per day. There are usually around 48-55 youngsters incarcerated in JDH at one time, and we operate four classrooms. > Last school year, Washington county students were logged for 771 student days (\$26,985) and Clackamas county students were logged for 315 student days (\$11,025). > I did not bring the number of days for Multnomah county students because we would not be charging our own constituent district since our taxpayers are their taxpayers. > Only talking about payback for students who are not residents of Multnomah ESD. > The resident local district the student is reported back to receives the state funds. > If we billed, we would be getting money from those local districts to cover this cost.

202 REP. VERA KATZ: Who receives the basic school support?

THEDE: It is either the local district or nobody. ESDs are not eligible to receive basic school support. > The Multnomah ESD is levying the taxes to provide the services at JDH. The Portland Public School District has nothing to do with the classes at JDH.

230 REP. KATZ: Do Portland public schools receive funds for kids while they are in public classrooms or while they are in a detention home?

237 FRANK McNAMARRA, Portland School District: If the children were in a public school when we do the official count, then they would be credited to whatever district they were in at the time of the count. If they later are sent to a detention facility, those funds are not transferred. > The official count is on October 1 and there is a recount in December.

REP. JONES: Who is paying the teachers in these classrooms?

THEDE: Multnomah ESD pays the teachers. They are our employes.

REP. JONES: You do not contract with Portland Public Schools for a payback?

THEDE: That is correct. > Explains how the Multnomah ESD got involved in paying the costs for the students in JDH. > Problem arose after JDH started to be used as a multi-county facility through contracts negotiated by the county. > Our board of directors is supportive of using JDH as a regional facility. The resident local school district should be paying the costs of the students.

284 McNAMARRA: Gives the committee more background information about JDH and how it became an ESD program. > Requesting the possibility for a bill back procedure so local school districts can be billed for students in JDH. > Some out-of-state youngsters are housed at JDH. > Small number of students who have no registered local school district are housed at JDH.

325 REP. SCHROEDER: Do you have any objection to including all detention centers in this bill?

THEDE: The Multnomah ESD proposed a bill to address a problem and did not intend to impose the bill on anyone else.

McNAMARRA: We have no objection as long as it does not affect passage of the bill.

REP. SCHROEDER: Would it be better to go from ESD to ESD?

THEDE: I have no preference on that. The youngsters we are talking about are also residents of Washington and Clackamas county ESDs. Those ESDs have declined to voluntarily assume this responsibility.

373 REP. SCHROEDER: Would it be appropriate to bill each school district involved?

THEDE: Explains how local districts receive basic school support for the youth in attendance at JDH.

400 REP. KATZ: Citizens are paying twice for the same kids who move from one place to another. There are no financial incentives for the schools to keep these kids.

McNAMARRA: This has nothing to do with what a school district wants or doesn't want. The youngsters are there by virtue of a court involvement.

TAPE 26, SIDE A

013 REP. JONES: How long do these kids stay in JDH?

THEDE: It varies from three days to over a year.

McNAMARRA: They are normally in and out of the detention program and their local school district.

REP. JONES: How much educational opportunity do you really provide?

THEDE: Describes the education program at the facility.

051 REP. SCHROEDER: Do any of the kids attend the local public schools while they are in detention?

THEDE: No, we are talking about difficult cases.

CHAIR OAKLEY: What happens after a youngster, who committed a serious crime, leaves the detention facility?

THEDE: If they are incarcerated for a serious crime, they would likely end up in another institution. They would not be back on the streets for awhile.

069 PENNY: If the Clackamas and Washington county ESDs were to pay the amount for their school districts, would a resolution have to be passed by the ESD or would the local school districts have to implement that through the resolution process?

THEDE: There is nothing to prevent the school districts and the ESDs from passing resolutions concerning the costs.

090 JAMES MAXWELL, superintendent of Lane ESD: Reads testimony supporting the bill and requesting the bill be amended in order to allow its provisions to also apply to the providers of educational services in juvenile detention facilities outside of Multnomah county (EXHIBIT C).

REP. KATZ: You do bill for basic school support from the other school districts and get the money with the exception of one school district.

MAXWELL: We bill the entire cost of providing the program to districts outside of Lane county and do receive that money. The resolution is written so the ESD provides half the costs and the local districts are billed the other half. > Bill for instructional costs, not administrative costs - \$18 for student from out of the county and \$9 for students from within the county.. > Last year, we received \$10,560 in federal Chapter I funds to supplement the program. Our entitlement this year is around \$20,000 based upon the children eligible during a one month window period in the fall. We use the funds to provide summer instruction.

188 TOM ENGLISH, OCCD: We generally support the intent of HB 2572. > Explains how the use of juvenile custody facilities changed from being county based only to regional use and contract-based use. > The purpose of the detention facility has changed to doing three things at once: protect the community, hold youth accountable for their behavior and provide for the competency or skill development that they need. Education is not a priority. > Since the biggest predictor of delinquency is school failure, it is important to keep the kids in these facilities as current as possible with their education process so we do not add to the problems they already have. > Reviews a survey of educational services available at detention centers (EXHIBIT D).

246 PENNY: What happened to the court school in Marion county?

ENGLISH: It operates separately from detention. > Continues reviewing information in his handout concerning educational services available at detention centers. > Gives statistics for Jackson county that was left out of his survey. > One teacher reported that most of the kids, if not

all the kids in the centers, would qualify for special education services. He believes the state is in violation of the law statewide. > This bill would provide a beginning for standardizing the billing and provision of services.

316 REP. KATZ: Is it so difficult to adopt the concept that the money goes with the child?

REP. BRUCE HUGO: In my opinion, we fund districts not kids. It is difficult to do because of funding mechanisms. > Explains how measure 5 may be of some benefit.

361 PENNY: Chapter I money does follow the child and acts as a disincentive to keep kids out of the detention centers. School districts often do not claim the money.

REP. KATZ: We need to set the policy and just do it.

(Tape 26, Side A) HB 2572 - Requires school district to provide education to children in detention facilities located in the district
Work Session

424 MOTION: Rep. Hugo moves to delete lines 18 and 19.

REP. SCHROEDER: Suggests letting more local people know about the bill.

TAPE 25, SIDE B

008 ALAN TRESSIDER, OSB A: As a matter of policy, we believe local school districts should be responsible for paying the educational costs of children in their district. > A local district or ESD should not be penalized because a facility happens to be located in their district. > We support bill back procedures to resident school districts for payment of those educational costs. > This bill will have a fiscal impact on some local school districts. > It should be a statewide public policy and not just apply to Multnomah county.

CHAIR OAKLEY: Do think other districts would want to give some input on this bill?

TRESSIDER: There is no statutory authority to bill. Some districts will wonder why this is happening to them. > Some districts have probably been billed and have paid.

060 MARVIN EVANS, COSA: It is good public policy and the financial impact should be relatively small. It should be applied to all school districts in the state.

NELSON: Would this be interpreted as a mandated program?

EVANS: It is a mandated cost to local school districts.

TRESSIDER: What we are talking about is a funding mechanism.

090 REP. JONES: The bill does not require the ESD to be the organization providing the education. If a school district has a sufficient number of students in a facility, it could send one of their own teachers to the facility to teach those kids.

REP. SCHROEDER: What about the kid from out-of-state?

TRESSIDER: We have never been very successful in collecting dollars from other states for those kids.

ENGLISH: Most of the educational services do not start until the children have been in detention for five days or longer.

REP. HUGO: Who gets the basic school support for these kids?

108 PENNY: When the bill back procedure is in place, it is assumed the resident school district gets the basic school support funding. Suggests amending line 11 to make it clear.

REP. PICKARD: The average stay at this facilities appears to be only 6.6 school days. There is little educational impact on these students.

132 THEDE: Youngsters in the Donald E. Long home are involved in education from the moment their processing is completed.

MOTION ADOPTED: There is no objection.

171 PENNY: Suggests language providing for the resident school district to claim the child and receive the basic school support.

MOTION: Rep. Hugo moves to amend the bill so the resident district may claim the child for purposes of receiving basic school support.

MOTION ADOPTED: There is no objection.

PENNY: Suggests changing the "to" of line 5 to "for".

187 CHAIR OAKLEY: Adjourns meeting at 2:50 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny AssistantAdministrator

EXHIBIT LOG: A - Fiscal analysis on HB 2573 - Legislative Fiscal -
1 page B- Testimony on HB 2572 - Allan Thede - 1 page
C - Testimony on HB 2572 - James Maxwell - 2 pages D-Testimony on
HB 2572 - Tom English - 2 pages