

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

May 8, 1991Hearing Room F 1:30 p.mTapes 79 - 80

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 3403 - Places early intervention programs under sole jurisdiction of Department of Education - WRK HB 3437 - Modifies duties and authority of Administrator of Correctional Education - WRK HB 2421 - Abolishes State Textbook Commission - PAW

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TAPE 79, SIDE A

002REP. CAROLYN OAKLEY, chair: Calls the meeting to order at 1:40 p.m.

HB 3403 - Places early intervention programs under sole jurisdiction of Department of Education Work Session

003 LEE PENNY, Committee Administrator: Explains that the amendment replaces the original bill. > Reviews the provisions in the HB 3403-6 amendment (EXHIBIT A) that would bring the state into compliance with the federal mandates concerning services to preschool children with disabling conditions. > Legislative Fiscal provides a conceptual analysis of the cost of compliance for early intervention services (EXHIBIT B). > Refers to information from the Alliance for Early Intervention concerning funding (EXHIBIT C). > Refers to letter from U.S. Department of Education regarding the sanctions that will be taken against states that do not comply with P.L. 99-457 (EXHIBIT D). > One matter of dispute is in Section 13 on page 11 concerning a joint planning group to ensure that the services to these children and their families are coordinated and each group pays their fair share of the costs.

119 RICK BURKE, Department of Education: Explains why the Department is concerned about the language in Section 13 in the -6 amendment: > The program is managerial and erodes the Department's, the superintendent's and state board's role in being responsible for education activities in early intervention. > With the Department as the lead agency, it could be the target for due process or advocacy complaints against services delivered by the programs that are not part of the education program.

142 REP. BRUCE HUGO: Without this interagency agreement, how would you ensure the funding the Department requires will get to it from the Department of Human Resources?

BURKE: I believe the Department would not be dependent on funding from DHR for the education part of the program.

REP. HUGO: How will you ensure the noneducation programs will occur?

BURKE: The superintendent believes it does not need to be a matter of statute.

REP. HUGO: There needs to be some kind of interagency agreement.

172 JAMES TOEWS, Mental Health and Developmental Disabilities Division: We don't want to compromise the authority of the superintendent or state board on this. The kids we are talking about are those with complex needs and cannot be served by just one agency. They need a coordinated approach to deal with complex needs. We don't want to tell the Department how to administer or organize the program.

198 JUDY NEWMAN, Alliance for Early Intervention: We need to focus on what is best for families and kids in these programs. Having an interagency focus is very important. I am not sure the language in Section 13 is the best way to do that. Interagency planning, collaboration and communication are necessary when serving these kids. The intent of this amendment is to ensure planning not to manage. It is intended to lighten the load and share the costs and services. The agencies are already doing interagency collaboration. They need to share their costs, numbers and how they serve families. We support the -6 amendments or alternatives as long as the interagency spirit is kept in.

258 REP. WALT SCHROEDER: What is a disability in a home setting referred to on page 2, lines 1-5?

TOWES: We are talking about the setting in which services can take place. The setting itself does not define the disability.

REP. SCHROEDER: For the record, it is not going into the home to see if it meets certain standards such as cleanliness?

TOEWS: Absolutely not.

289 BURKE: Inserting a comma on line 3, page 2, between "disability" and "in" would make the language clearer.

303 REP. HUGO: Could you comment on the effective date on line 12, page 25?

BURKE: Full implementation and acceptance of the responsibility for compliance with the federal law will take at least a year.

320 REP. SCHROEDER: Is it the ultimate goal to have all children ages 3-5 involved in this?

TOWES: Only those children that would be eligible for services. The criteria is defined by federal statute and departmental rules.

REP. SCHROEDER: Would a family with a disabled child be forced to participate in a program?

NEWMAN: They are not forced to under this legislation. The idea is to provide some service options for families so some kind of service will meet the need of that family. Rarely do you find a family that would refuse services.

346 REP. HUGO: Talks about the inability of social agencies to talk to each other because of confidentiality restrictions. Because of this, services are duplicated. Is Section 9 crucial to this bill?

362 KAREN BRAZEAU, Department of Education: It is crucial. There are specific confidentiality rights that apply to children in these programs. In Section 9, we are saying the Department would follow those laws specifically aimed at school districts. Parents can always give permission to agencies to share information.

REP. HUGO: This bill asks the Board to adopt this procedure. I would be more comfortable if the rule included a protocol where the parent would be asked to waive their right of confidentiality.

BRAZEAU: I am not sure we can ask the parents to specifically waive all of their rights. We are already under a federally imposed prohibition against sharing information without specific release.

424 REP. DELNA JONES: Why is it necessary to have Section 9 in here if the federal government is doing it already?

BRAZEAU: When the Department submits a state plan to the federal office, they examine the statutes that govern the Department to ensure it has met all of their regulations. Having it in the statute shows that the Department acknowledges the federal laws and intends to follow them. We could put something language into statute limiting the Department's ability to adopt rules except in accordance with federal law.

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033 BURKE: Superintendent Paulus believes the way the bill is written with all its amendments, is the very best way programmatically to deal with the programs for children ages 0-5.

052 MOTION: Rep. Jones moves to adopt the -6 amendments as amended by rewording the language on lines 1-5 on page 2 of the bill and page 9, section 9 add "only as required by federal law." There were no objections.

065 MOTION: Rep. Jones moves HB 3403 as amended with a do pass recommendation to the Ways and Means Committee.

VOTE: In a roll call vote, the motion carried with all members present voting AYE.

085 MOTION: Rep. Schroeder moves for unanimous consent to allow Rep. Hugo to vote on HB 340 3. Rep. Hugo votes AYE.

(Tape 80, Side A) HB 3437 - Modifies duties and authority of Administrator of Correctional Education Work Session

095 LEE PENNY: Reviews what HB 3437-10 amendment from AFSCME will do (EXHIBIT E). > Refers to the HB 3437-11 amendments (EXHIBIT F).

112 REP. TOM BRIAN: The HB 3437-11 amendments incorporate everything discussed up to this point in regards to the bill. > Reviews the major points in the amendments. > We don't want to change existing collective bargaining units. The -11 amendments incorporates most of what is in -10 and meets the approval of the bargaining unit.

156 MARY BOTKIN, AFSCME: In concept, the -11 amendment does what the -10 did with some different language.

A revised fiscal analysis was provided on the bill (EXHIBIT G).

175 MOTION: Rep. Hugo moves to adopt the HB 3437-11 amendments.

REP. SCHROEDER: Indicates misspelled word on line 25.

MOTION: Rep. Hugo moves HB 3437 as amended to the Committee on Ways and Means with a do pass recommendation.

VOTE: In a roll call vote, the motion carried with all members present voting AYE. Excused: Rep. Pickard

(Tape 80, Side A) HB 2421 - Abolishes State Textbook Commission Public Hearing

225 LEE PENNY: Reviews what the bill would do.

REP. JONES: Currently, there is a group people who analyze textbooks and make recommendations to the Textbook Commission. The Textbook Commission makes recommendations to the state board. This bill provides for a group to analyze the textbooks and make a recommendation to the Department and then the Department to the Board. > Where is the Department involved now?

LEE PENNY: The Department staffs the Textbook Commission now.

254 GREG McMURDO, Department of Education: The HB 2421-2 amendment changes "selected" to "adopted" (EXHIBIT G). > Provides a list of changes proposed to Textbook adoption in Oregon (EXHIBIT H).

301 BARBARA WOLFE, Department of Education: Reviews an outline of the changes proposed to textbook adoption in Oregon and flow charts of the current adoption process and the proposed new process (EXHIBIT I).

CHAIR OAKLEY: Do you see more local influence in book selection with this bill?

WOLFE: Explains how the bill will provide for local school districts to make their own textbook selections. We need to move away from a regulatory process with textbooks and look more at outcomes.

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003 REP. HUGO: Is the fee increase in the bill to be paid by the publishers for the privilege of having a book considered?

WOLFE: The fee currently goes into the general fund. The money is

appropriated in the bill would specifically be used to pay for textbook evaluation.

REP. HUGO: Talks about the fate of fee bills on the House floor.

McMURDO: The fee has not been raised for a number of years. The dedication of the funds is more important to us than the fee increase.

033 REP. SCHROEDER: What is the average contract with a publisher?

WOLFE: The Northwest Textbook Depository could give you better information on that. Approximately \$18 million has been spent on textbooks in the last year.

REP. SCHROEDER: I wonder how much general fund money is put into bringing the teachers together for evaluating textbooks as opposed to the fees collected.

McMURDO: The current fee does not cover the cost to the Department.

REP. SCHROEDER: How are teachers selected now to review textbooks and how will they be in the future?

WOLFE: Reviews the current procedure and explains how it will be done with the new system.

092 WOLFE: Responds to questions raised by Textbook Commission members at the last hearing on HB 2421.

157 REP. SCHROEDER: Will the new proposal provide more or less involvement of local districts?

WOLFE: Yes, the new procedure will provide more involvement and more freedom of choice for local districts.

McMURDO: Refers to copies of letters and editorials supporting the bill (EXHIBIT J).

169 WILMA WELLS, COSA: Reads testimony in support of HB 2421 (EXHIBIT K).

206 JAN DOERFLER, State Textbook Commission: The critical policy decision is not the selection. It is writing the criteria upon which the selection is made. What goes into the criteria makes a big difference. > How the selection committee is run and who serves on it is critical. > It is essential the criteria writing be given more attention than it has been so far. > Someone who makes the final decision needs an intimate knowledge of the materials and an overall view. > It is time for school districts to have their own choices. The Department of Education has had the opportunity for some time, if it wished, to relax the independent adoption by school districts. The commission has had little to do with the rigidity of the rules.

272 REP. JONES: Are you more comfortable with the process in the amended bill?

DOERFLER: I am still not comfortable with a single voice having control over the whole process by developing the criteria. The design for the result of the teachers who participate comes in the building of the criteria.

340 RUTH HEWETT, State Board of Education: The Board wanted to make certain the bill reflected all the recommendations made by a committee that studied the issues surrounding the Textbook Commission. The Board accept every recommendation from the State Textbook Commission.

REP. JONES: It appears the Board adopts the criteria in a public setting.

HEWETT: The Board intended to use the fee increase to bring the people together who serve on the selection committee.

REP. HUGO: Would you object to putting a 1996 sunset in the bill so the 199 5 Legislature can review how the process is working?

HEWETT: Agrees it would be good idea.

385 McMURDO: That is perfectly acceptable. We have no objection.

(Tape 79, Side B) HB 2421 - Abolishes State Textbook Commission Work Session

419 MOTION: Rep. Hugo moves to amendment the -2 amendments to include a January 1, 1996 sunset of HB 2421. There was no objection.

MOTION: Rep. Schroeder moves to abolish the Textbook Commission and move textbook selection back to individual school districts or education service districts.

REP. JONES: How would we maximize the savings to the school if they order textbooks individually?

REP. SCHROEDER: It might cost more but it will save educational programs.

TAPE 80, SIDE B

022 McMURDO: It would cost a great deal more. Nothing in this bill would prevent a local district from adopting a textbook.

WOLFE: Refers to the language on Section 12 on page 4 of the bill. Without a state level adoption, a contract cannot be entered into with publishers and that is where the major cost savings occurs. > Explains the procedure used with a contract.

REP. SCHROEDER: There is not much of a choice and some of the best choices are left off.

WOLFE: Refers to language in Section 14, page 4, line 22, that allows districts to choose whatever is appropriate for their local needs.

045 WELLS: Explains why the book depository is very valuable to the state.

REP. SCHROEDER: What happens when the books the depository stocks are outdated?

WOLFE: The publisher must have materials available during the life of the contract. The Department is not charged for textbooks that are not used.

REP. HUGO: Objects to Rep. Schroeder's amendment.

VOTE: In a roll call vote, the motion failed, with Reps. Nelson and Schroeder voting AYE. Reps. Jones, Pickard, Katz, Hugo and Oakley voted NAY.

REP. KATZ: Explains her vote on the amendment.

083 MOTION: Rep. Hugo moves HB 2421 as amended to the floor with a do pass

recommendation.

REP. JONES: Talks about flexibility to the districts with this bill.

VOTE: In a roll call vote, the motion carried with all members voting AYE. Carrier: Rep. Oakley

106 CHAIR OAKLEY: Adjourns meeting at 3:15 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG: A - HB 3403-6 amendment - committee staff - 25 pages
B - Fiscal analysis on HB 3403-4 amendment - Legislative Fiscal -
4 pages C - Testimony on HB 3403 - Alliance for Early Intervention
- 10 pages D-Testimony on HB 3403 - Department of Education - 3 pages
E-HB 3437-10 amendment - AFSCME - 4 pages F-HB 3437-11 amendment - Rep.
Tom Brian - 5 pages G-Fiscal analysis on HB 3437 - Legislative Fiscal -
1 page H-HB 2421-2 amendment - Department of Education - 6 pages
I-Testimony on HB 2421 - Department of Education - 4 pages J-Testimony
in support of HB 2421 - Department of Education - 12 pages K-Testimony
on HB 2421 - COSA - 1 page