

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

April 22, 1991
p.m. Tapes 64-66

Hearing Room F 1:30

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

MEMBER EXCUSED: Rep. Mike Nelson Rep. Bob Pickard

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

MEASURES CONSIDERED: HB 2574A - Home school students
participate in interscholastic activities, WRK HB 3200 - Establishes
loan program for nursing education, WRK HB 2095 - Computing salary of
substitute teachers, WRK HB 3403 - Early intervention programs, WRK HB
3437 - Modified duties and authority of Administrator of Correctional
Education, PUB HB 2573 - Payment of cost of education at CSD juvenile
training schools, PAW

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TAPE 64, SIDE A

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

HB 2574 - Home school students participate in interscholastic activities
Work Session

CHAIR OAKLEY: Explains that the bill was pulled back from the House
floor because of an error in the amendments.

010 LEE PENNY, Committee Administrator: Reviews the changes in the
amendment (EXHIBIT A).

045 MOTION: Rep. Hugo moves to adopt the HB 2574A-A4 amendments
(EXHIBIT A). There was no objection.

047 MOTION: Rep. Hugo moves HB 2574 as amended to the floor with a do
pass recommendation.

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

HB 3200 - Establishes loan program for nursing education Work Session

059 CHAIR OAKLEY: Reviews the changes in the HB 3200-3 amendments
(EXHIBIT B).

070 BRIAN DELASHMUTT, Oregon Nurses Association: Agrees with the fiscal
analysis on the HB 3200-3 amendment except for the last sentence
(EXHIBIT C). > Explains why the last sentence no longer applies.

084 REP. BRUCE HUGO: Talks about a bill from the 1989 session giving a tax credit on their income to doctors who practice in rural areas. HB 3200 says if a nurses practices in a rural area, a portion of their loan for going to school will be forgiven. What happens if the person changes their mind and does not want to practice in a rural area? Should we be considering a tax credit instead?

DELASHMUTT: If they take out a loan, then opt not to go out to a rural area, they would have to repay it the same as any other loan. The tax credit would cost more because it pays people who already working in the rural area to stay there.

122 MOTION: Rep. Katz moves to adopt the HB 3200-3 amendment. There was no objection.

MOTION: Rep. Katz moves HB 3200 as amended to Ways and Means with a do pass recommendation.

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

HB 2095 - Describes method of determining consecutive school days for purposes of computing salary of substitute teachers Work Session

137 LEE PENNY: Reviews what the HB 2095-3 amendment does (EXHIBIT D).

165 MOTION: Rep. Katz moves to adopt the HB 2095-3 amendment

MOTION: Rep. Hugo moves HB 2095 as amended to the floor with a do pass recommendation.

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

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

178 LEE PENNY: Refers to the preliminary staff measure summary on the HB 340 3-4 amendment (EXHIBIT E). Notes the amendments are not available yet.

192 REP. VERA KATZ: The new definition of developmental delay now includes children with language and speech development problems. Does this include reading difficulties?

198 KAREN BRAZEAU, Department of Education: Having a reading problem does not qualify a child as having a disability.

HB 3437 - Modifies duties and authority of Administrator of Correctional Education Public Hearing Witnesses: Mary Botkin, American Federation of State, County and Municipal Employees (AFSCME) Joan Jabin, instructor at Oregon State Penitentiary (OSP) Neil Hodershell, instructor at OSP Dana Anderson, Oregon Community College Association (OCCA) Patrick Tacy, instructor at Oregon State Correctional Institution (OSCI) Karylinn Huntting-Echols, Oregon Criminal Justice Counsel Craig MoSB ack, Oregon Criminal Justice Counsel Rep. Tom Brian Mike Holland, Office of Community College Services (OCCS) Mary Shannon-DeLateur, Department of Corrections

218 MARY BOTKIN, AFSCME: We represent the teaching staffing in the correctional facilities around the state with the exception of OSCI. > Gives the committee background information on correctional education. > HB 3437 begins the process of educating and training inmates with dedicated funds. > Problem with the bill is the Department of Corrections can contract out the jobs to private educators or public

educators in community colleges. The people in the correctional education jobs now will not lose their jobs but the positions will disappear as they become vacant. > AFSCME has a collective bargaining agreement with requires that management bargain over the contracting out of any service being done by any employe under the contract. > Need to give the people already there a chance to do the job. > Suggests deleting Section 4. > Gives more details about the collective bargaining agreement.

343 JOAN JABIN, teacher at OSP: Lists reasons she opposes the bill: it is not cost effective, not good security, does not provide the best education or address the literacy problems of the inmates. > Opposed to the literacy part of HB 3437. > Explains why it is important for security reasons to have people who are experienced in teaching in correctional facilities as opposed to contracting out to community colleges for teachers on a part-time, temporary basis. > A teacher in a correctional facility is part of the correctional staff. > Totally supports an advisory board but would like to see a teacher on the board. > Need educational programs at the satellite facilities. > Would like to see the bill address paying inmates to tutor other inmates. Often the inmates who tutor have to drop out of the literacy program because they need to make money at jobs.

CHAIR OAKLEY: Would the tutors be paid the \$3 that inmates get at other jobs?

JABIN: The \$3 a day is top salary and 25 cents is minimum. It would be better than getting what they are getting now.

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014 REP. WALT SCHROEDER: What is the record of accomplishment of literacy training of inmates?

JABIN: All the inmates in the classes improve. They don't all get a chance to complete the literacy program. In Oregon, 7 percent of the population are reading below the functional level. In the prison system, it is 15 percent.

REP. SCHROEDER: Is it possible the current correctional teachers could be hired by community colleges and then continue teaching?

JABIN: Yes, but it would take away our police and fireman retirement benefits.

BOTKIN: Everyone inside the secure walls of the institution have police and fire retirement benefits.

JABIN: Teachers hired from community colleges are not under these benefits and the security staff at the facility would be responsible for the security of those people.

062 NEIL HODERSHELL, vocational cabinet shop instructor, OSP: Expresses concern about the security of the institution and the people who work there and the security of the teaching staff that already works there.

092 DANA ANDERSON, president-elect of the OCCA: Reads her testimony in support of HB 343 7 (EXHIBIT F).

REP. SCHROEDER: Do you have any comments about the previous testimony concerning the experience of people who teach in a correctional facility?

ANDERSON: I am aware there is extensive training for anyone who goes into a correctional facility on a professional or volunteer basis. It has not been a expressed concern of people from community colleges that

have been involved with correctional education for a great deal of time.

REP. HUGO: How would you characterize the current educational opportunities for inmates? Are the present people not doing a good job?

ANDERSON: I would not characterize it in that manner at all. I do know there is a lack of systematic coordination of the educational offerings for inmates. It varies from institution to institution. It would make sense for there to be a more systematic and coordinated approach to those offerings.

REP. HUGO: The Administrator of Correctional Education was created last session to do the coordinating. If that office is not functioning, it will still be uncoordinated with this bill.

ANDERSON: This bill addresses strengthening that office. > Explains how the community college programs are embedded in the labor market and, by using their instructors, that would translate into the correctional education programs.

236 REP. HUGO: Points out since the Department of Corrections has been using the educational funds for other purposes, community college instructors would not be paid. > More of a coordination problem than quality problem. > Not want to see battle between opposing groups trying to get money.

271 PATRICK TACY, teacher at OSCI: Explains how literacy is being addressed under the current educational system at the facilities. Reviews information in his handout (EXHIBIT G) concerning inmates and instructors: > 128 inmates enrolled in the literacy program; 47 of them are remedial or below an eighth grade reading level. > 28 full-time and 53 part-time are in adult basic education/GED programs. > 185 inmates are taking part in vocational training. > Over 300 inmates are in a vocational or academic programs out of 950 inmates in the institutions. > The number involved in college programs is anywhere between 130 to 150 FTE.

REP. KATZ: Do you have any information about what kind of employment opportunities individuals can get once they leave the institution? I haven't heard anyone address outcomes from these programs.

TACY: My understanding is there has not been a tracking system to determine exactly what happens. It is expensive to do a long-term study of that nature. > Refers to studies on correctional education that are included in his handout. > Both studies indicate there is less recidivism for the inmates involved in the program.

TAPE 64, SIDE B

010 REP. JONES: What is the experience level of the teachers as OSCI and are they certified?

TACY: Oregon law requires people who teach in an institution to be certified. > Reviews information on the third page of his handout concerning correctional teachers at EOIC. > Reiterates concerns about security when contracting out for teachers. > Would like the language in the bill to state clearly that people now teaching in the correctional facilities will have the right to remain until they retire or move on. > Addresses the concerns regarding the coordination of programs between correctional facilities and community colleges for inmates who are released from prison. > Explains that the correctional facilities in California are in the process of changing all their contract positions back to state teacher positions because it is more cost effective and they will have greater control. > Not true that extensive training is given to volunteers or community college teachers who work in prison facilities. > Dedicated hard-working staff.

156 KARYLINN HUNTTING-ECHOLS, victims representative, Oregon Criminal Justice Counsel: Gives the committee background information on the counsel and why it supports HB 343 7. > Explains why the bill opens up the possibility of going after federal dollars from the U.S. Department of Justice. > If this project is implemented, the counsel is in the position of finding and obtaining grant money, coordinate and/or conduct the effectiveness of the program and research on recidivism rates. > Supporting the bill because of the emphasis on literacy. > Provides a handout for the committee (EXHIBIT H).

205 REP. HUGO: The counsel is supporting a bill without really knowing what is in place now. Is that right?

HUNTTING-ECHOLS: The counsel has looked at the level of literacy in the Corrections Division. I will find out what information is available. > The counsel feels the bill will meet some needs that are not currently being met.

232 CRAIG MOSB ACK, Oregon Criminal Justice Division: Explains that a recidivism study would be difficult to do.

REP. KATZ: Why would it be difficult to do? There has been talk about coordinating education in corrections for 18 years.

MOSB ACK: Part of the problem is the Corrections Division does not have a tracking system of inmates in educational programs. The data is inadequate but is getting better.

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

286 REP. TOM BRIAN, District 9: Explains the bill is about centralizing and coordinating a plan which needs to be developed for education in corrections. > Explains what is included in the bill. > The focus on literacy is relatively new in corrections. > The concerns expressed boil down to job security and retirement issues. > We have tried to lower the anxiety level. The intent of the bill is not to affect existing employees. > Refers to the word "additional" to be added on line 28 in the HB 3437-6 amendment (EXHIBIT J). > Explains the further assurance to employees in the HB 3437-7 amendment (EXHIBIT K).

428 MIKE HOLLAND, commissioner, Office of Community College Services: At no time has there been any intention with this bill to dismiss or replace existing correctional education employees. > Talks about the problems with the current approach to correctional education and what needs to be done to improve it.

TAPE 65, SIDE B

021 HOLLAND: Explains there needs to be a systematic approach to correctional education.

CHAIR OAKLEY: Why was the minimum amount of instruction changed from 3 hours to 1 1/2 hours?

REP. BRIAN: One and one-half is strictly a minimum.

056 REP. JONES: Please address the issue of an inmate, who has been paroled, and has not been able to transfer community college courses from the correctional facility to the campus.

HOLLAND: Explains how it would be difficult for a paroled inmate to enroll mid-quarter in a community college course provided on the campus. > We would try and make arrangements so a release inmate would not lose credit for time already spent in a class.

096 REP. HUGO: The corrections director was suppose to do this four years ago. Why do you think this bill will accomplish what you want?

REP. BRIAN: Explains the administrator of correctional education would have the responsibility of planning and coordination. > The money would be centralized in that office instead of allotted to each institution.

REP. HUGO: Why should we go to community colleges?

REP. BRIAN: Corrections is not inherently an educational system.

150 HOLLAND: It is important to acknowledge this is not new territory for community colleges. Community colleges are the providers of educational services to correctional institutions located outside of Salem. > We are talking about building on a system and making it work. > The Department of Corrections does not have someone wholly devoted towards the administration of their education program.

181 CHAIR OAKLEY: Would the community colleges be able to do a better job of providing vocational training that will actually help these people get into the job market?

HOLLAND: We would hope so. Corrections has some institutional needs that tend to drive the focus for vocational education programs. The current structure has not done a good job at looking at the next step for these inmates.

210 REP. KATZ: The issue is really who should be responsible for the delivery of the educational system. > I don't think the plan and development is a correctional responsibility. > Where the money goes, so goes the program. > Requests a list of the professional and technical programs being taught in the institutions.

REP. SCHROEDER and REP. BRIAN talk about prison industries.

293 REP. KATZ: Wonders if the transfer policy also applies to K-12. The system ought to be flexible enough so people are allowed to go in and out of programs.

HOLLAND: That would be the case for basic skills programs.

A list of correctional education programs is provided to the committee (EXHIBIT L).

REP. KATZ: Do we have any information that former inmates have found employment in the area they took classes in while in a correctional facility?

368 PATRICK TACY, OSCI: The only time we find out that information is when we see an ex- client out on the street. It does not happen on a regular basis.

REP. KATZ: Couldn't the parole officer get that information.

403 MARY SHANNON-DELAETEUR, Department of Corrections: Talks about their tracking system that is relatively new.

CHAIR OAKLEY: Requests cost figures on the different correctional education programs.

TAPE 66, SIDE A

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

010 LEE PENNY: Talks about the original bill and refers to the HB

3403-4 amendment (EXHIBIT M). > The amendment says the State of Oregon will comply with the federal mandates on provision of special education services to preschool children. > There will be the same due process and procedural rights for all children birth to age 21 that now exist for children 5 to 21. > All handicapping conditions that have been identified will be addressed in children from age 3 until they enter kindergarten. > Federal mandate requires all children from three to five to be served in the same way that the five to 21 year olds are served. > HB 3403 has prior reference to Ways and Means would preserve the federal dollars that now come into the state for regional programs. > The Special House Committee on Children's issues recommended a do pass recommendation.

065 RICK BURKE, Department of Education: Reviews some proposed amendments to HB 3403 concerning some administrative details (EXHIBIT N). > On page 10, line 14, after the word disabilities, insert "review and".

REP. HUGO: Refers to the proposed amendment on page 14, and suggests a maximum time be inserted.

185 KAREN BRAZEAU, Department of Education: Federal law says reasonable and Oregon law does not define reasonable. > Concerned about due process hearings when just starting a new program and completing a number of referrals during a 45-day limit.

BURKE: Continues to review the rest of their proposed amendments.

HB 2573 - Transfers responsibility for payment of costs of education at juvenile training schools Public Hearing Witnesses: Greg McMurdo, Department of Education

256 GREG McMURDO, Department of Education: The HB 2573-5 amendment deletes all the provisions in the original bill except the relating clause and enactment clause. > Purpose of the new language is to correct a problem involving county union school districts. > Explains the purpose of the HB 2375-5 amendment (EXHIBIT O).

291 REP. HUGO: Is the issue in the original bill concerning the transfer of responsibility of the juvenile training schools dead for this session?

McMURDO: My understanding is yes. The leadership is not interested in that transfer.

HB 2573 Work Session

303 MOTION: Rep. Hugo moves to adopt the HB 2573-5 amendments. There was no objection.

MOTION: Rep. Hugo moves HB 2573 as amended to the floor with a do pass recommendation and rescind the subsequent referral to the Ways and Means Committee.

VOTE: In a roll call vote, the motion carried with all members present voting AYE. Excused: Reps. Nelson, Pickard and Schroeder. Carrier: Rep. Hugo

334 CHAIR OAKLEY: Adjourns meeting at 4:00 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG:

A - HB 2574-A4 amendment - committee staff - 3 pages B - HB
3200-3 amendment - Oregon Nurses Association - 7 pages C- HB
3200-2 fiscal memo - Legislative Fiscal - 2 pages D-HB 2095-3 amendment
- Rep. Hugo - 2 pages E-Preliminary SMS - committee staff - 1 page
F-Testimony on HB 3437 - OCCA - 2 pages G-Background information on HB
3437 - Patrick Tacy - 18 pages H-Background information on HB 3437 -
Oregon Criminal Justice Counsel - 4 pages I-Fiscal analysis on HB 3437 -
Legislative Fiscal - 1 page J-HB 3437-6 amendment - Rep. Brian - 5 pages
K-HB 3437-7 amendment - Rep. Brian - 1 page L-Information on HB 3437 -
AFSCME - 3 pages M -HB 3403-4 amendment - committee staff - 26 pages N
-HB 3403-2 amendment - Department of Education - 2 pages O -HB 2573-5
amendment - Department of Education - 3 pages