

SENATE COMMITTEE ON EDUCATION

April 2, 1991 Hearing Room 343 3:00 p.m. Tapes 50 - 52 MEMBERS
PRESENT: Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice-Chair Sen.
Peter Brockman Sen. Ron Grensky Sen. Paul Phillips Sen. Cliff Trow
MEMBER EXCUSED: Sen. Joan Dukes STAFF PRESENT: Jan Borgen,
Committee Administrator Angela Muniz, Committee Assistant

MEASURES HEARD: SB 445 - National School Breakfast Program - WS SJM3
- Maintaining Student Financial Aid - PH, WS SB 973 - Disabled Access to
Education Advisory Committee -PH SB 974 - Higher Education Physical
Access Committee - PH

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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.

TAPE 50, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 3:15 p.m.

SB 445 - SCHOOL BREAKFAST PROGRAM - WORK SESSION: Witnesses: Wayne
Snoozy, Fairhaven Elementary School Gary Dietderich, Sumner Elementary
School Mary Ringer, Wascher Elementary School Nancy Dorey, Edwards
Elementary School Greg McMurdo, Department of Education Marvin Evans,
COSA Karen Hafner, Oregon School Boards Association

020 JAN BARGEN, Committee Administrator: Presents and explains SB
445-1 amendments (EXHIBIT A). The amendments hook the breakfast program
mandate to the federal funding for the program. The amendments may
relieve the need for the subsequent referral to Rules. Presents an
article about Oregon principal, Wayne Snoozy (EXHIBIT B). SEN. GRENSKY:
The amendments would have the funding for the program come from the
federal government and have the program discontinued if that money is no
longer available? BARGEN: If the federal reimbursement rate drops below
current levels, then the mandate is no Senate Committee on Education
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longer in effect.

SEN. GRENSKY: What is the current law about the breakfast program? What
are we changing that we don't already do?

CHAIR GOLD: The school districts are ordered to have the program. It is
optional now. Also need to consider whether to limit the program to
elementary schools. The amendments do not address that.

085 SEN. MCCOY: Refers to information about federal funds for the
breakfast program (EXHIBIT C). Are those the current reimbursement
rates?

BARGEN: Yes, a general outline of the rates are in the measure summary.
Presents testimony from Astor Elementary School Principal, Judy Bigby
for the record (EXHIBIT D).

SEN. MCCOY: What is the ratio of federal funds and state funds?

BARGEN: It depends on the income level of the students' families.

105 WAYNE SNOOZY, Principal, Fairhaven Elementary School, Klamath Falls: This is one of the best programs implemented in the schools. It has very few problems with it.

CHAIR GOLD: So you see it as improving the learning process?

SNOOZY: Yes. It is easier to learn with a full stomach.

SEN. GRENSKY: What are the federal FDA guidelines?

SNOOZY: Doesn't have the figure. It is a standard the federal government sets.

121 GARY DIETDERICH, Principal, Sumner Elementary School, Parkrose: It is based on the number of people living in the house and the income.

SEN. GRENSKY: How do you know that?

DIETDERICH: The parent fills out the form, anyway, for the lunch program when the child registers for school.

NANCY DOREY, Principal, Edwards Elementary School, Newburg: Also parents apply if their income changes or drops. It is not just a one time entry.

SEN. GRENSKY: Has heard about a shower program implemented in his district to bathe children. Are you doing things like that too?

MARY RINGER, Principal, Wascher Elementary School, McMinville: School is in a low income area. Provides showers, clothes and food. Before the breakfast program, children would tell her they hadn't eaten since lunch the previous day.

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SEN. GRENSKY: In those situations do you contact the Children Services Division, and they look into it?

RINGER: Yes, and CSD puts it in its working file under calls about cleanliness and lack of food.

DOREY: But immediate action is not taken on those students because they are not considered in imminent danger.

DIETDERICH: Our job is to build a working file big enough to where it becomes an active file.

157 RINGER: Unfortunately, some families have different priorities other than their children.

DOREY: Explains the program at the school and the students who participate. Was concerned when the program started about extra duties for teachers, but none of the concerns have manifested. Teachers volunteer to cover the program because they support the program.

BARGEN: You mentioned you had misgivings at the beginning. Who's idea

was it to start the program?

DOREY: The school counselor had a concern about the number of students served in the lunch program.

SEN. GRENSKY: Do you know why the parents don't feed their children?

DOREY: It is a combination of neglect and low-income.

210 SEN. GRENSKY: The government is trying to make sure no one is going hungry. Is concerned that we put money into Welfare and assistance programs and we still need create other programs.

DOREY: Out of the 199 children on free and reduced lunch, only 50 participate in the breakfast program. The rest get breakfast at home.

DIETDERICH: Working parents also use the program and pay for the breakfasts because it is more convenient to them, given the early hours and commutes of some working parents. It is not all neglect.

SNOOZY: Has 40% of students eating breakfast and only one parent pays, the rest are free and reduced.

SEN. GRENSKY: What do they do in the summer when there is no school?

SNOOZY: Doesn't know. Went to the breakfast program because the school was already providing food to the children.

SEN. GRENSKY: The bill can be amended to apply to elementary schools only. Are any of Senate Committee on Education April 2, 1991 Page 4

you speaking for secondary schools? Would it be a viable program there?

DOREY: Shares a cafeteria with the middle school. The program is used more by the elementary school students. SEN. GRENSKY: What does that mean, that junior high students have gotten used to not eating breakfast? 270 DOREY: It is a stigma. It is not cool to be seen eating breakfast with the little kids. DIETDERICH: Has a middle school of about 500 and 50 participate in the breakfast program. About 75 out of 950 high school students participate. CHAIR GOLD: Thought that only Portland had these problems. It is a realty check to see representatives from some more suburban areas. SEN. PHILLIPS: Suburbia is not immune from social problems. SEN. GRENSKY: Josephine and Jackson Counties also have breakfast programs and have similar problems. SEN. TROW: There is a rural poverty in the state that is intense. 310 BARGEN: Could the principals discuss potential problems with bus schedules and changing class schedules to fit breakfast in? DIETDERICH: Changed the bus schedule by 5 or 10 minutes to allow for breakfast. Was losing time anyway because the students would be in the cafeteria trying to get food. Felt the program was necessary enough to change the schedule. BARGEN: It only takes 5 minutes? SNOOZY: Five or 10 at the most.

SEN. TROW: How long does it take to sene the breakfast to the children?

DIETDERICH: Twenty minutes maximum. CHAIR GOLD: Have heard concerns about needing extra supervision and requiring teachers to take that on. Could you discuss that? DORhY: Teachers volunteer. If that hadn't happened, would have rotated it into regular duty schedule. 353 SEN. GRENSKY: Why does the program need supervision? CHAIR GOLD: There is a liability problem of having unsupervised children. RINGER: Supervises the program herself. The schools that have implemented the program

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have good things to say. Teachers are glad to allocate time to a program that will improve learning in the classroom.

SEN. BROCKMAN: Is concerned about the lack of busing in Klamath County. How are the students that participate in the program to get to school if they have to come early?

SNOOZY: Have adjusted the school starting time so that parents can drop children off when they go to work. 410 DOREY: Newburg also has eliminated portions of its busing program. The walkers are served first and the bussed students come during the tail end of the breakfast.

430 GREG MCMURDO, Department of Education: Does the site have to be at a school building?

CHAIR GOLD: That is the intention.

SEN. MCCOY: Do you understand that to mean that it could be at a secondary and elementary school as well.

MCMURDO: Yes. Breakfast would have to be provided by the district, but it doesn't need to occur on school property. Would the subsection 3 in the amendments be a local decision, not from the state superintendent? Would the superintendent be able to grant a second or third waiver if the school was financially unable to provide the program? May want to put waivers in plural if that is the case.

CHAIR GOLD: Yes, the decision is local. Interprets the bill to mean that consecutive waivers could be granted. Do you have any feelings about whether it should just be for elementary schools?

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030 MCMURDO: The state board has not taken a position. Understands the program is much more easily administered at the elementary school level.

MARVINEVANS, Confederation of School Administrators: Appreciates the amendments that tie the program to federal funding. It relieves concerns about the mandate. Would like it limited to elementary school with an option for secondary schools to implement the program.

KAREN HAFFNER, Oregon School Boards Association: The amendments help relieve concerns about the bill. Does not support mandates without funding, and the federal funding helps. Is concerned about increased costs for providing transportation or supervision.

090 SEN. MCCOY: Do you know what the OMB's figures are for the next year's reimbursement? Should know by now if the reimbursement is going to go up or down next year.

EVANS: Does not know.

MOTION: Chair Gold moves for adoption of the SB 445-1 amendments (EXHIBIT A). ~ Senate Committee on Education April 2, 1991- P - e 6

VOTE: In a voice vote there were no objections.

MOTION: Sen. McCoy moves for passage of SB 445 as amended and to rescind the subsequent referral to the Rules Committee.

SEN. BROCKMAN: The language about the program being at any school site is still in tact?

CHAIR GOLD: Yes.

SEN. GRENSKY: It is mostly done at elementary schools. Does the committee feel we should limit the requirement to elementary schools?

SEN. MCCOY: The program is in high schools already.

SEN. GRENSKY: What about the clarification of consecutive waivers?

CHAIR GOLD: Asks the committee for a friendly amendment to change the word "waiver" in line 10 to "waivers".

The committee does not object.

BARGEN: It was not the intent of task force to grant continuous waivers.

155 CHAIR GOLD: Experience with prekindergarten mandates is that there is care taken to show there is financial hardship with the school when the Education Department grants the waiver. It is something we have to offer, and doesn't think it will be abused.

SEN. BROCKMAN: Would it be appropriate to say new applications for the waiver must be made after two years, or is that redundant? The bill says waivers are not to exceed two years.

CHAIR GOLD: We could chose to keep waiver in the singular and reword the sentence to say the waiver is not to exceed two years and at the end of that time a school district may reapply.

SEN. BROCKMAN: Does school district imply a unified school district?

BARGEN: Will share the committees intention with Legislative Counsel to get the proper wording.

CHAIR GOLD: The intention is that more than one waiver can be given, but each waiver cannot exceed two years and applications must be made for each two year period. That is made as a conceptual addition to Sen. McCoy's motion. 206 SEN. TROW: Also need to clarify whether the conceptual language allow school districts to ask for a waiver for the high school and still have the program in the elementary school. Wants to see breakfast programs in high schools but only if it's economically feasible.

VOTE: In a roll call vote, the motion carries 6 0-1. Voting AYE: Sen. Broclman, Sen. Grensky, Sen. Phillips, Sen. Trow, Sen. McCoy and Chair Gold.

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Excused: Sen. Dukes. Sen. Brockman will lead the floor discussion.

SJM3 - MAINTAINING STUDENT FINANCIAL AID - PUBLIC HEARING: Witnesses: Lynn Pinckney, Oregon Student Lobby Sheila Stickel, Associated Students of the University of Oregon Dawne Evans, Western Oregon State College Ed Dennis, WOSC Dana Spielmann, Oregon Community Colleges Association Roger Bassett, Oregon State System of Higher Education

286 LYNN PINCKNEY, Executive Director, Oregon Student Lobby: Presents written testimony (EXHIBIT E). This memorial has been passed in 1987. President George Bush's proposed budget substantially cuts grant forms of financial aid. SEN. MCCOY: The President has already proposed these cuts in grants?

PINCKNEY: Yes. Continues testimony.

375 SHEILA STICKEL, Co-President, Associated Students of the University of Oregon: Also a member of OSL and the United States Students Association. Presents written testimony (EXHIBIT F).

430 SEN. BROCKMAN: You said you spoke to Oregon's Congressmen, what did they say about the cuts?

STICKEL: They were supportive of education but felt that need the students needed to be more vocal in Washington D.C. for more money to be put in for financial aid.

455 DAWNE EVANS, Student, Western Oregon State College: Presents written testimony (EXHIBIT G).

TAPE 50, SIDE A

015 ED DENNIS, Student, Western Oregon State College: Relates experiences of friends and self with financial aid. Friends are leaving school because they can't get financial aid and cannot afford the tuition increases. Without financial aid diversity on campus will decrease. About half the students at WOSC are first generation college students. They can go to school because of financial aid.

063 DANA SPIELMANN, Oregon Community College Association: Presents written testimony (EXHIBIT H).

093 ROGER BASSETT, Oregon State System of Higher Education: Federal commitment to higher education is limited to financial aid. It is essential to express the need not to cut that commitment.

SEN. BROCKMAN: Is the Pell Grant named after Clayborn Pell?

SPIELMANN: Yes. Senate Committee on Education April 2, 1991 - Page 8

SJM3 - MAINTAINING STUDENT FINANCIAL AID - WORK SESSION: MOTION: Sen. Trow moves for passage of SJM3. VOTE: In a roll call vote, the motion carries 4-0-3. Voting AYE: Sen. Brockman, Sen. Phillips, Sen. Trow and Chair Gold. Excused: Sen. Dukes, Sen. Grensky and Sen. McCoy. Sen. Trow will lead the floor discussion. Sen. Grensky and Sen. McCoy later cast AYE votes for SJM3 (see page 9).

SB 973. SB 974 - DISABLED ACCESS TO HIGHER EDUCATION - PUBLIC HEARING: Witnesses: Eugene Organ, Oregon Disabilities Commission Lynn Pinckney,

Oregon Student Lobby Mary Christian, OSU Disabled Student Organization Patrick Henderson, University of Oregon Student Mark Azure, Disabled Students of WOSC Gary Kazen, Disabled Students of WOSC Markell Hammond, Disabled Students of WOSC Jason Coleman, Oregon Student Lobby Roger Bassett, Oregon State System of Higher Education Debbie Lincoln, Office of Community College Services

119 EUGENE ORGAN, Executive Director, Oregon Disabilities Commission: Presents written testimony on SB 973 (EXHIBIT I) and testimony on SB 974 (EXHIBIT n. The purpose of the bills is to reduce some of the access problems disabled people have to higher education. It is a first step to meeting the Americans with Disabilities Act passed in 1990.

160 LYNN PINCKNEY, Executive Director, Oregon Student Lobby: Oregon Student Lobby is a requestor of both bills. Disabled access to higher education has been a priority for OSL for many years, but funding has not been allocated by the Legislature. New buildings are still being built with little regard for disabled access.

SEN. GRENSKY: Thought it was federal law to make public buildings accessible to the disabled?

PINCKNEY: Yes, but it depends on whose standards you use. Tells of a former OSL board member who was in a wheelchair. Had a meeting in a room in a new building at Portland State University that was considered accessible because he could get in the door, but he was not able to sit at the conference table because the chairs were attached to the table. Classroom may be accessible but there are other aspects of campus that are not such as libraries and professors' offices. The lack of information is one problem in tracking the progress. Now is a critical time to review the state's progress.

253 BARGEN: Is the committee in SB 974 an ongoing committee? Would everything the committee identifies as a problem have to be addressed in the higher education budget?

PINCKNEY: The intent is that they would be contingent on funding. Doesn't want higher education mandated to do things without funding. The information must be generated to get the requests before the Legislature.

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ORGAN: The planning needs to take place within existing budgets. Wants a committee in place to start planning.

BARGEN: So that is why it would be ongoing. The first step is to prioritize. Could you introduce the interpreters?

Two sign language interpreters are present to assist witnesses who are hearing impaired.

ORGAN: Jana Owens and Greg Heridez.

SEN. TROW: Is there a fiscal impact for these bills yet? Would you have to do all of the things in the bills if there wasn't the funding?

PINCKNEY: Hasn't seen one. The bill states that the activities mandated are contingent on funding.

CHAIR GOLD: SB 973 has a subsequent referral to Ways and Means and SB 974 does not.

310 SEN GRENSKY: Apologizes for missing the vote on SJM3 and asks for permission to cast an AYE vote.

SEN. MCCOY: Also would like to cast an AYE vote for SJM3.

CHAIR GOLD: Hearing no objections from the committee, adds Sen. Grensky's and Sen. McCoy's AYE votes on SJM3 to the record.

340 MARY CHRISTIAN, President, Disabled Student's Organization of Oregon State University: Presents written testimony (EXHIBIT K). SB 973 would help identify disabled students.

400 PATRICK HENDERSON, Student, University of Oregon: Presents written testimony (EXHIBIT L).

SEN. GRENSKY: What kind of things would assist you in getting around campus?

HENDERSON: That is difficult to answer without explaining specific situations.

SEN. GRENSKY: What kind of problems do you run into that you would like to fix?

461 HENDERSON: Can't just give a list of problems right now.

TAPE 51, SIDE B

025 CHRISTIAN: Some things that have been suggested are maps with buildings raised, improved lighting.

SEN. GRENSKY: How do you take exams? Senate Committee on Education April 2, 1991 Page 10

HENDERSON: People read the questions and write down the answer he gives them.

SEN. GRENSKY: Are there staff people that help you, or are they friends?
HENDERSON: Normally it is the teacher or aide.

CHRISTIAN: OSU has an office set up to assist in test taking.

Mark Azure and Gary Kazen are hearing impaired and present testimony with the help of sign language interpreters.

057 MARK AZURE, Student, Western Oregon State College: Presents written testimony with the assistance of a translator (EXHIBIT M). Graduation has been delayed because of the lack of services available for disabled services.

GARY KAZEN, Student, Western Oregon State College: Presents written testimony with the assistance of a translator (EXHIBIT N). Explains the problems he has learning because WOSC does not have dual services of

interpreters and note taking. Must either have an interpreter or a note taker.

125 MARKELL HAMMOND, Student, Western Oregon State College: Presents written testimony (EXHIBIT O). Has cerebral palsy and contacted WOSC before enrolled to make sure it would be accessible. Was assured it was, but there are many problems with the dorms and classes.

195 JASON COLEMAN, Member, Oregon Student Lobby: Reads a letter from WOSC student Damara Goff who could not attend the hearing today (EXHIBIT P). Ms. Goff also was assured the dorms at WOSC were accessible to the disabled, but found the building was not accessible..

250 SEN. MCCOY: Ms. Hammond, when was the new dorm building built at WOSC?

HAMMOND: Last year.

SEN. MCCOY: New buildings on campuses are supposed to be accessible. It is wrong that something like this happens. It costs more money to make it accessible after it is built.

CHAIR GOLD: There is no penalty.

270 ROGER BASSETT, Oregon State System of Higher Education: Understands the concerns about disabled access to higher education. Prefers an interagency working relationship between the Chancellor's Office and the Oregon Disabilities Commission.

SEN. GRENSKY: Has the chancellor been approached by students with disabilities in the past and why this hasn't been done already?

BASSETT: Knows the chancellor has been approached, but does not know what action has been taken. If the interagency relationship has been tried before and didn't work, then supports the bills. Sections 2 and 3 of SB 973 will need to be clarified. Appreciates the language in the bills that recognize budget limitations.

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344 SEN. TROW: Is perplexed why we are not providing better access. Higher education does make an effort on individual campuses to do some things. Should have someone describe what is being done. One reason higher education hasn't done a better job is because the Legislature doesn't provide it the resources. It is difficult to provide access and it requires resources. That is not to say it shouldn't be done.

CHAIR GOLD: Will need to have another hearing and work session on SB 973 and SB 974. Could you bring people to explain what has happened previously and why new buildings are still not accessible.

415 DEBBIE LINCOLN, Deputy Commissioner for Community Colleges: Community colleges are included in SB 973. Wants to clarify the language to incorporate community colleges more clearly. Does have a person from Portland Community College who can provide information about what community colleges are doing. Presents information on the Technology

Access for Life Needs project (EXHIBIT Q). Presents a draft handbook of the Rehabilitation Act and its implications on community colleges (EXHIBIT R). Community colleges are moving in the direction to provide access. Supports the concept of both bills. SB 974 doesn't include community colleges.

461 SEN. TROW: We can amend it to include you. LINCOLN: Are becoming more and more aware of the needs of disabled students.

SEN. TROW: Would like some higher education people to testify about what is going on at WOSC for disabled students.

TAPE 52, SIDE A

030 CHAIR GOLD: It depends on what kind of follow up is there also.

BASSETT: We end up talking about degrees of access and commitment. When the goal is full access and commitment anything less is a grievance.

CHAIR GOLD: Mr. Bassett, could you get together with the proponents of the bill and staff to work out some amendments. With that, we can vote the bill out next time it is heard. It is clear there is the lack of proper access.

BASSETT: We are doing more than we ever had before, but there is still more to do.

SEN. MCCOY: Commends and thanks Jana Owens and Greg Heridez, the sign language interpreters, for their work.

075 CHAIR GOLD: Adjourns the hearing at 5:05 p.m. Presents testimony of Michael Krostag in support of SB 973 and SB 974 for the record (EXHIBIT S).

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Submitted by: Reviewed by: Angela Muniz Jan Bargaen
Assistant Administrator

EXHIBIT LOG: A - Amendments to SB 445 - Staff- 1 page B - Article on school principals - Staff- 1 page C - Testimony on SB 445 - Rachelle Bagley - 6 pages D - Testimony on SB 445 - Judy Bigby - 3 pages E - Testimony on SJM3 - Lynn Pinckney - 4 pages F - Testimony on SJM3 - Sheila Stickel - 2 pages G - Testimony on SJM3 - Dawne Evans - 2 pages H - Testimony on SJM3 - Dana Spielmann - 1 page I - Testimony on SB 973 - Eugene Organ - 2 pages J - Testimony on SB 974 - Eugene Organ - 2 pages K - Testimony on SB 973 - Mary Christian - 2 pages L - Testimony on SB 973 and SB 974 - Patrick Henderson - 1 page M - Testimony on SB 973 and SB 974 - Mark Azure - 1 page N - Testimony on SB 973 and SB 974 - Gary Kazen - 1 page O - Testimony on SB 973 and SB 974 - Markell Hammond - 1 page P - Testimony on SB 973 and SB 974 - Damara Goff- 2 pages Q - Information on TALN Project - Debbie Lincoln - 2 pages R - Information on the Rehabilitation Act - Debbie Lincoln - 17 pages S

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