

SENATE COMMITTEE ON EDUCATION

April 25, 1991                      Hearing Room 343 3:00 p.m.                      Tapes 67 - 68  
MEMBERS PRESENT: Sen. Shirley Gold, Chair Sen. Joan Dukes Sen. Peter  
Brockman Sen. Ron Gensky Sen. Paul Phillips MEMBER EXCUSED:    Sen.  
Bill McCoy Sen. Cliff Trow VISITING MEMBER:            Sen. Jeannette Hamby  
STAFF PRESENT: Jan Barga, Committee Administrator Angela Muniz,  
Committee Assistant MEASURES HEARD:            SB 804 - Placement of Dependent  
Children - PH SB 112 - Child Development Specialists - WS SB 889 -  
Veterinary Diagnostic Laboratory - WS SB 984 - UO Center for Gerontology  
- WS SB 961 - Work Permits Based on Academic Performance - WS

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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 67, SIDE A

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

SB 804 - PLACEMENT OF DEPENDENT CHILDREN - PUBLIC HEARING: Witnesses:  
Ron Johnson, Lowell School District Mike Smith, Forest Grove School  
District James Toews, Mental Health Division Pat Melius, Children's  
Services Division Sen. Jeannette Hamby, District 5 Wilma Wells,  
Confederation of School Administrators Karen Brazeau, Department of  
Education

023 RON JOHNSON, Superintendent, Lowell School District: Presents  
written testimony in support of SB 804 (EXHIBIT A).

105 SEN. DUKES: The Revenue Committee is looking at a distribution  
formula that would create a weighted system for special education  
students. Districts would get twice as much funding for the special  
education student. How much of your problem would have been eliminated  
with that Senate Committee on Education April 25, 1991 - Page 2

formula?

JOHNSON: Are you talking about increasing the payments to local school  
districts by two times the amount that they currently receive?

SEN. DUKES: No. What we would be contributing per student in the new  
formula would not necessarily be what we are contributing now. Thinks  
that it would be more.

JOHNSON: If the state wants to be fair to local school districts, should  
talk about actual costs. Currently, local districts do not receive the  
amount spent between the state average and two times the state average.  
Districts get paid for the state average or if go over two times the  
state average. Districts pick up the cost for anything in between. It is  
unfair for the district to pick up the costs for special education  
students that are not members of the district. Willing to provide  
services for them but doesn't want to pay extra costs.

180 SEN. DUKES: There are some special education students that don't  
cost a lot of extra money and some that do. That is why the Revenue  
Committee has the weighted formula. On the average it costs twice as  
much to educate the special education student.

JOHNSON: That is fine if they say that educating a handicapped child costs twice as much to educate. That is not what the law says. Will it be changed?

SEN. DUKES: Revenue is looking at revamping the law. If we determine how much per student we pay on the average, then we would pay twice as much for special education student. It sounds like your costs on the average are about twice as much.

JOHNSON: Cost for educating students is a little above average and special education students are double that cost. Another issue is that the agencies placing the children are ignoring current law. They are suppose to look at the impact that placing the children has on the district.

SEN. DUKES: What do they say when you complain about that?

210 JOHNSON: They, the CSD people, say that is too bad. CSD has options about where to place the children. The district has no options.

235 MIKE SMITH, Special Education Director, Forest Grove School District: Explains the problem in his district. What to provide education in the best interest of the child. If look at it in the best interest of the children, see that it is a disservice to them.

285 JAMES TOEWS, Mental Health Division: Presents written testimony in opposition to SB 804 (EXHIBIT B). Understands the problems school districts face, but is scrambling to find suitable homes for the children. Does the best to give enough lead time to districts about the placement of special education children. Doesn't have a solution other than the emergency fund idea.

416 SEN. DUKES: What does the Department of Human Resources intend to do to provide educational opportunities to the children? Simply finding a place for the child to live doesn't solve the problem.

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TOEWS: The department has done what it can with its resources, but the budget does not allow for much.

SEN. DUKES: Do you have a plan that says what the department will assure for educational opportunities?

TOEWS: Is not sure.

463 SEN. DUKES: The idea that you just look for where you can find a place for special needs children and nothing else is frustrating. Hopes there is some overall policy that gives more than just finding a bed.

TOEWS: The department doesn't. That is the first priority but it does develop a long-range plan for the child. Often resources are limited, though.

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028 SEN. DUKES: Would you mind if we required state agencies to periodically review with the districts the nature and extent of the placements affecting the districts?

TOEWS: No. The only concern is being restricted in where we can make placements.

SEN. DUKES: What about an appeal process for the district who felt the placement was inappropriate.

TOEWS: Couldn't support that. It would literally stop the ability to move a child when the department felt it needed to be done. Doesn't think that moving the child is inappropriate in the sense that the department is trying to find the best option for the child in the short term. . . SEN. DUKES: We could exempt the emergency situation and develop a longer term method for the appeal process.

TOEWS: That does not solve the problems of complex children with many special needs. They will be concentrated where the services are available and part of long-term planning.

SEN. DUKES: Wants to hear from someone higher in the Department of Human Resources to discuss what plans they are willing to put forth for the school districts.

060 PAT MELIUS, Children's Services Division: Presents written testimony in opposition to SB 804 (EXHIBIT C). Recognizes the position the districts are in. CSD reviews the placement of children regularly.

SEN. GRENSKY: Are you opposed to the reimbursement and funding aspect of the bill?

MELIUS: Is opposed to applying conditions on the placement of children. Is also opposed to the issue of having to pay the additional costs of the children. The department does not have the resources to do that.

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SEN. GRENSKY: It seems the equity argument is overwhelming.

MELIUS: Agrees that there is an equity problem. Would support the idea of an emergency fund.

160 SEN. JEANNETTE HAMBY, District 5: Presents written testimony (EXHIBIT D). Is willing to delete two of the factors for restriction and presents amendments in her testimony.

220 WILMA WELLS, COSA: Concurs with Sen. Hamby's suggestions. There needs to be a more effective system of conveying information between the schools and the Department of Human Resources.

253 KAREN BRAZEAU, Department of Education: We need to look at a different system to remedy the problem. A solution would best be drawn up in the Revenue Committee bill. There are solutions to meet the

financial needs of the child.

309 CHAIR GOLD: Sounds like there are two separate problems: funding and communication.

SB 112 - CHILD DEVELOPMENT SPECIALISTS - WORK SESSION:

SEN. PHILLIPS: Is there only one small amendment (EXHIBIT E)?

MOTION: Sen. Phillips moves to adopt the SB 112-1 amendments.

370 JAN BARGEN: Explains the amendment. It changes the construction of the sentence to make it clear that assessment is not mandatory in every case.

SEN. BROCKMAN: Has underlined the word "shall" in his notes, was that the same concern that the amendments address?

BARGEN: Yes. The "amended language would say that if there are assessments, then they "shall" be developmentally appropriate.

VOTE: In a voice vote, there were no objections.

MOTION: Sen. Phillips moves for passage of SB 112 as amended to the floor.

412 SEN. GRENSKY: Has a concern about the myriad of programs that seem to do the same thing. Has tried to understand how they interact, but would like to see more coordination.

CHAIR GOLD: Hopefully the reform issues we have been dealing with and that the House has addressed will come out of Ways and Means with something sensible. This committee also has a bill that addresses coordination among the various programs.

BARGEN: SB 113 is in this committee and deals with these issues and is an effort toward coordination.

465 VOTE: In a roll call vote, the motion carries 4-0-3. Voting AYE: Sen. Brockman,

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Sen. Grensky, Sen. Phillips and Chair Gold. Excused: Sen. Dukes, Sen. Trow and Sen. McCoy. Sen. Phillips will lead the floor discussion.

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SB 889 - VETERINARY DIAGNOSTIC LABORATORY - WORK SESSION: 029 CHAIR GOLD: There is a subsequent referral to Ways and Means.

BARGEN: Presents the SB 889-1 amendments (EXHIBIT F). The amendments add the Veterinary Diagnostic Laboratory to the bill.

MOTION: Chair Gold moves to adopt the SB 889-1 amendments.

BARGEN: Explains where the amendments fit in the bill. The fiscal impact will be changed with the amendments. Expects the fiscal to be more.

VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves for passage of SB 889 as amended to Ways and Means by prior reference. MOTION: In a roll call vote, the motion carries 5-0-2. Voting AYE: Sen. Brockman, Sen. Dukes, Sen. Grensky, Sen. Phillips and Chair Gold. Excused: Sen. Trow and Sen. McCoy.

SB 984 - UO CENTER OF GERONTOLOGY - WORK SESSION:

072 BARGEN: There are no amendments. This program was cut by the institution in preparing the higher education budget.

CHAIR GOLD: This is something we can send to Ways and Means for consideration with other items, if we desire.

MOTION: Sen. Dukes moves for passage SB 984 to Ways and Means by prior reference.

SEN. GRENSKY: Will have to vote against this bill. Saw some good policy in keeping the veterinarian laboratory, but this is like a piecemeal effort to override higher education's budget cuts. It is not a good way for the process to work. It is not a reflection on the gerontology department; it is not the way to address the issue.

105 CHAIR GOLD: Is just as interested in doing something for the elderly as she is in doing something for animals as addressed in the previous bill.

SEN. DUKES: Hopes it is not an either/or decision. The gerontology department is a unique program. Doesn't fault anyone for coming to the Legislature to try to find the money. The Legislature is here to determine if the governor's budget and higher education recommendations

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are appropriate. It is reasonable to disagree and send our recommendations to Ways and Means.

VOTE: In a roll call vote, the motion carries 4-1-2. Voting AYE: Sen. Brockman, Sen. Dukes, Sen. Phillips and Chair Gold. Voting NAY: Sen. Grensky. Excused: Sen. Trow and Sen. McCoy.

SB 961 - WORK PERMITS BASED ON ACADEMIC PERFORMANCE - WORK SESSION:  
Witnesses: Annette Talbott, Senate Labor Committee Paul Tiffany, Wage and Hour Division Bill Cross, Oregon Restaurant Association

141 BARGEN: Presents the SB 961-2 amendments (EXHIBIT G) and explains the revisions suggested in the public hearing. Presents a hand-engrossed version of the SB 961-2 amendments with further revisions (EXHIBIT H). The amendments clarify that schools voluntarily participate in the program. The committee may want to reconsider the subsequent referral to Rules because it can no longer be perceived as a mandate. Explains the

funding of the bill. The amendments would put the appropriation in the bill. Ways and Means will need to see the bill. 243 CHAIR GOLD: The SB 961-2 amendments are the result of the committee discussion at the last hearing? BARGEN: Yes, and some additional information brought forth afterward such as the need to change the term from "work permit" to "employment certificate". 261 ANNETTE TALBOTT, Administrator, Senate Labor Committee: Testifies for Sen. Kerans who could not attend the hearing. Sen. Kerans suggests the bill go to Ways and Means not Rules. The Senate Labor Committee has SB 1206 which includes the funding for this proposal. The concern about the current system used for issuing work permits will be addressed in the Labor Committee when it hears SB 1206. CHAIR GOLD: Sen. Kerans sees the work permit system as separate from the pilot project addressed in SB 961? TALBOTT: Yes. 311 PAUL TIFFANY, Administrator, Wage and Hour Division: SB 961 parallels and issues studied by the Child Labor Task Force. The amendments would accomplish the pilot program and would not address the current work permit system. 342 BILL CROSS, Oregon Restaurant Association: Is not convinced that the current work permit system is working. There is too much turnover in the restaurant business for the permits to be accurate or current. Supports the concept of SB 961, but not the fees in the other bill. Would like the program in SB 961 to be used statewide. If fees will be charged for work permits, prefer that the format be similar to the one in SB 961. SEN. PHILLIPS: You refer to this as a program between the schools, the employer and the student without the intervention of the Labor Bureau?

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393 CROSS: Yes. In Washington State they authorize the labor bureau to audit the stores and restaurants where the student works. SEN. PHILLIPS: The best evidence for this bill is because it was suggested in the interim. Are you aware of any violations that have occurred that would prompt this change? CROSS: There is some evidence that correlates a relationship between working and academic performance. Granted, there are a lot of factors that affect academic performance. The task force agreed that when there is communication, the work situation improves. 448 CHAIR GOLD: An informal work group is needed to work through some of the ideas proposed. SEN. GRENSKY: Is an employment certificate the same as a work permit? How do they work together? It seems they are a problem for you.

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030 TIFFANY: The term "employment certificate" is used in the statute to describe the work permit. The statute requires the Wage and Hour Division to establish a system to issue employment certificate to employers and minors. "Work permit" is the colloquial term used to describe the certificate issued to minors. The primary goal is to issue those permits first because the minor can't get a job without it.

SEN. GRENSKY: So the child applies for a work permit and you either issue it or you don't?

TIFFANY: If the child has the permit and gets a job, the child will get an employer certificate to be filled out by the employer and sent back to the bureau.

SEN. GRENSKY: So there are two different things and when the minor gets a job that is when the program in SB 961 would take place. And Mr. Cross is saying the turnover in his business is so high that the verification that the minor has a work permit doesn't happen fast enough.

070 TIFFANY: The employer's employment certificates are reviewed quickly, but are not returned to the employer for some time.

SEN. GRENSKY: Doesn't see any reason for the bureau to be involved in this. The student, employer, schools and parents are involved; we don't need another state agency. Likes the idea, but the bill needs more work.

SEN. PHILLIPS: Agrees. Wants the best system to promote learning while working. This system doesn't do it. It is just another bureaucratic process.

CHAIR GOLD: Would like those on the committee that are interested to work on the bill with staff and interested parties.

SEN. BROCKMAN: Those that are opposed to the bill but not the concept should speak with Mr. Cross. . . . There 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. Senate Committee on Education April 25, 1991 - Page 8

SEN. GRENSKY: The Legislature is full of good ideas drafted poorly. This is one. No one disagrees with the idea of helping students that work.

122 CHAIR GOLD: Adjourns the hearing at 4:45 p.m.

Submitted by:  
Bargen Assistant

Reviewed by: Angela Muniz  
Administrator

Jan

EXHIBIT LOG: A - Testimony on SB 804 - Ron Johnson - 2 pages B - Testimony on SB 804 - James Toews - 2 pages C - Testimony on SB 804 - Pat Melius - 3 pages D - Testimony on SB 804 - Sen. Jeannette Hamby - 2 pages E - Amendments to SB 112 - Staff - 1 page F - Amendments to SB 889 - Staff - 1 page G - Amendments to SB 961 - Staff - 2 pages H - Revised amendments to SB 961 - Staff - 2 pages

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