SENATE COMMITTEE ON EDUCATION

May 14, 1991 Hearing Roorn 343 3:00 p.m. Tapes 78 - 80
MEMBERS PRESENT:Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice-Chair Sen. Joan Dukes Sen. Ron Grensky Sen. Paul Phillips Sen. Cliff Trow MEMBER EXCUSED: Sen. Peter Brockman VISITING MEMBER: Rep. Carl Hosticka STAFF PRESENT: Jan Bargen, Committee Administrator Angela Muniz, Committee Assistant

MEASURES HEARD: HB 2099 - Directory Information in Student Records - PH HB 2613 - ESD Planetariums - PH, WS SB 119 - Special Education - WS

These minutes contain materials which paraphrase and/or sunnnar~ze state nents 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 78, SIDE A

005 VICE-CHAIR MCCOY: Calls the hearing to order at 3:10 p.m. The committee meets as a subcommittee with Sen. McCoy, Sen. Grensky and Sen. Phillips present.

HB 2099 - DIRECTORY INFORMATION IN STUDENT RECORDS - PUBLIC HEARING: Witnesses: Alan Tresidder, Oregon School Boards Association

JAN BARGEN, Committee Administrator: HB 2099 was introduced by the Joint Interim Committee on Education at the request of OSB A.

018 ALAN TRESIDDER, Oregon School Boards Association: Provides history of the bill. Oregon law does not provide for the release of directory information. Federal law does refer to directory information. Directory information is information such as the information provided in a program about an athlete or about a honor role student. HB 2099 repeats the federal law on directory information that may be released as long as the parent does not object. It would make legal what most school districts are doing now. There is always the option for the student to deny the release of the information.

HB 2613 - ESD PLANETARIUMS - PUBLIC HEARING: Witnesses: Mary Ann Easter, Citizen Senate Committee on Education Ma, 14, 1991 - P - e 2

Rep. Carl Hosticka, District 40

075 MARY ANN EASIER, Citizen: Tells the committee not to push children too hard and chastises the committee.

104 REP. CARL HOSTICKA, District 40: The issue the bill addresses is unique to Lane County. The district owns a planetarium that it uses for education. Current law does not allow Education Services Districts to provide services directly to the general public. This would allow a more direct means to allow the district to use the planetarium for services to the general public.

SEN. GRENSKY: Where does the money go? RFP. HOSTICKA: It goes back to the ESD to defray the cost.

HB 2613 - ESD PLANETARIUMS - WORK SESSION:

MOTION: Sen. Dukes moves for passage of HB 2613.

VOTE: In a roll call vote, the motion carries 601. Voting AYE: Sen. Dukes, Sen. Grensky, Sen. Phillips, Sen. Trow, Sen. McCoy and Chair Gold. Excused: Sen. Brockman. Sen. Dukes will lead the floor discussion.

Sen. Gold returns to the hearing and assumes the Chair.

SB 119 - SPECIAL EDUCATION - WORK SESSION: Witnesses: Kathleen Beaufait, Legislative Counsel Karen Brazeau, Department of Education Alan Tresidder, Oregon School Boards Association Kathryn Weit, Association of Retarded Citizens Wilma Wells, Confederation of School Administrators Judy Miller, Department of Education Frank McNamara, Portland Public Schools Barbara Ross, Department of Human Resources

170 JAN BARGEN, Committee Administrator: Presents letter for Legislative Counsel answering questions about SB 119 (EXHIBIT A). Presents the SB 119-3 amendments (EXHIBIT B). Presents hand-engrossed exerpt of the SB 119-3 amendments dealing with issues that still need discussion. The first hand-engrossed identifies the three major changes from current special education policy proposed by SB 119 (EXHIBIT C). The second hand engrossed except shows what the definitions section would look like if the committee refrained from action on the three policy issues identified in Exhibit C (EXHIBIT D). The third hand engrossed excerpt proposes language to augment Section 8 regarding pregnant and parenting students in light of committee concerns expressed at the previous hearing on SB 119 (EXHIBIT E).

CHAIR GOLD: Please review the three decisions that we need to make.

BARGEN: Most of SB 119 is housekeeping and putting Oregon into compliance with federal law. Refers to EXHIBIT C. The committee raised concerns about the issue identified as "#1". . These minutes contain materiale which paraphrase Sand/or summarize datemerdr made during tbia reccion. Only text eacbead in quotation marbs repon a speaker's exact words. For complete contents of the proceedinge, please refer to the taper. - Senate CommiUee oa Educatioa May 14, 1991 - Pue 3

The wording referring to children with disabilities "who require special education in order to obtain the education of which they are capable" is in current statute. The bill proposes to delete it. It is proposed to be deleted because "of which they are capable" goes beyond the mandate for regular education to non-disabled children.

243 CHAIR GOLD: That is the first question addressed in the legislative counsel memo (EXHIBIT A). 290 KATHLEEN BEAUFAIT, Legislative Counsel: Defines the word "precatory" in her memo. It means wishful thinking. Did not find any Oregon cases relating to the language. That does · not mean there are none. There may also be cases in other states.

309 KAREN BRAZEAU, Department of Education: There are no Oregon cases. There was a U.S. Supreme Court decision in 1982, "The Board of Education v. Raleigh". The Court determined that a free and public education is defined as a program that is "individually designed to provide educational benefit" not maximize potential. Other states have similar language in their statutes.

CHAIR GOLD: By deleting it we are protecting the state and not denying the child?

362 BRAZEAU: You are protecting local districts and states from a financial liability and ensuring that children get an appropriate

education, which is what federal law requires.

BEAUFAIT: Agrees. The standard does carry a stronger message. The Oregon special education laws were written before there was federal law.

SEN. DUKES: Are you saying that federal statute will pick up the requirements? The sentence that remains after that portion is deleted is lines 11-12 and 21-24.

404 BRAZEAU: That is supposed to be deleted also. It should continue to say children with disabilities who are entitled to and education and who require special education.

SEN. DUKES: That makes sense, otherwise it leave the definition of education open.

SEN. TROW: We are taking out language that says "of which they are capable", and then putting in "special education" but don't specify anything about the appropriateness of it. Does "special education" indicate that they will get appropriate education for their needs?

BRAZEAU: Page 3 of the SB 119-3 amendments defines "special education". It does not use the word "appropriate." That is used in federal law.

156 SEN. TROW: It would be better on line 8, page 2 of the SB 119-3 amendments to take out "specially" and put in "appropriately". BRAZEAU: "Appropriately designed instruction" may be better wording. - SEN. DUKES: Have the category changes occurred because the old classifications were too broad.

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BRAZEAU: Most of the classifications are the same but the sentence order has changed. Two were added because in the federal reauthorization of the law. The state definition has not changed.

TAPE 79, SIDE A

025 CHAIR GOLD: How does the committee feel about this first issue?

SEN. TROW: Likes having that wording there unless there is a problem with it. It suggests that we are not going to do the minimum for the children but do as much that is helpful.

BRAZEAU: In legal terms that puts the burden on the district to do everything possible. That is the concern.

SEN. DUKES: Has there been a problem in Oregon?

BRAZEAU: The examples she provided are real instances in Oregon. If those cases were appealed, the courts could find that Oregon needed to provide more than the federal law asks for.

SEN. DUKES: Supports taking the wording out. The federal language is strong enough. Hopes that Oregon's education system will maximize the capabilities of all children someday.

BRAZEAU: The language does create a state policy issue. Wants to maximize children's potential, but it comes down to the resources.

SEN. DUKES: It comes down to one or two exceptions that demand all the resources available.

072 SEN. TROW: Wants to amend line 12, page 1 to read "appropriate education". Will that work?

BEAUFAIT: That will work. The term "appropriate education" is legally accepted.

SEN. DUKES: Who defines "appropriate"?

BRAZEAU: The most accepted definition is from the 1982 Supreme Court decision. The program must be well planned out to provide benefit to the child. Providing benefit is different from maximizing.

MOTION: Sen. Trow move that line 12, page 1 of the SB 119-3 amendments be amended to read "school age children who are entitled to an appropriate education". Sen. Trow also reconfirms the deletion of lines 14-16. VOTE: In a voice vote, there were no objections.

109 BARGEN: Suggests moving to the issue of "related services" next. This is the issue marked "#3" on EXHIBIT C. The bill deletes related services in the special education definition. That removes related services as a stand alone qualification for special education, but it does not remove related services from the new subsection 4. Federal law 504 could remedy many

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equipment problems for related services. Notes the memo distributed earlier to members explaining the issues and concerns raised on SB 119 at the previous hearing (EXHIBIT F).

144 BEAUFAIT: Refers to the LC memo (EXHIBIT A). What is trying to be accomplished by deleting "related services" from this definition?
BRAZEAU: There is debate about special education and treatment. A child who only needs a related service and is disabled automatically qualifies for the protections and rights in special education law in Oregon. In federal law the related service is in place to support the special education aspect of the child's program. Section 504 of the Rehabilitation Act says that school districts must make accommodations for school children that are disabled. A child who is doing well in school but needs special transportation to get to school needs special services. They must be provided the service under 504. In Oregon law having special education defined as a "related service" makes the child eligible for special education.

SEN. TROW: If the child is eligible and all it gets is the related services, what difference does it make?

BRAZEAU: The attempt of the department was to make Oregon law adhere to the federal law and bring it to the Legislature to decide whether Oregon

wanted a higher standard.

SEN. TROW: Are there any cases where this has hurt anyone? BRAZEAU: No cases, but there are a lot of people involved in the procedures to provide related services. Notices must be filed and if they are missed it poses a legal liability. The change does not affect the delivery of the service the child receives in the school. It affects the process for the schools and the due process rights of the parents.

224 ALAN TRESIDDER, Oregon School Boards Association: Removing the phrase "related services" from the special education definition doesn't suggest that children will not receive related services. Federal statutes require schools to accommodate the needs of any child. This removes procedural requirements related to identifying children who need special education.

255 KATHRYN WEIT, Association of Retarded Citizens: Federal law 504 does discuss interdisciplinary assessments. The 504 process for a disagreement involves the Offfice of Civil Rights. For the family and the school district, that means that once the issue gets beyond the school, there is no chance for arbitration. A hearings offficer makes the decision and some school districts would be nervous if the Offfice of Civil Rights was called in. Does not want to get involved in the 504 due process procedure. If "related services" were removed, would need to make sure families were aware of the 504 complaint procedure.

300 SEN. DUKES: The option to eliminating "related services" is federal court if the service isn't provided or the parent doesn't feel it isn't appropriately provided?

BRAZEAU: The department always encourages mediation, but for those who do not chose that, the next step is a formal complaint with civil rights.

SEN. DUKES: That is something a lot of parents would hesitate to use and they may accept something they aren't satisfied with. There are other options that are better for the parent. Would rather have the requirement in statute so that schools and parents are required to talk about the problems and that parents do not have to go through the court system.

SEN. TROW: Agrees. This law was crafted around what federal government expected state legislation to be. At that time, "related services" was put in the special education definition and was followed with a definition of related services. Related services and the definition of special education go together.

365 BEAUFAIT: "Special education" and "related services" are used a number of times in that ORS chapter. Also found sections where the two phrases are used together. The other uses of it should be looked at to determine the effects of taking "related services" out of the definition. BRAZEAU: The department should have rule making authority over both special education and related services. It is only used in

this context where it takes on a different meaning.

391 WILMA WELLS, Confederation of School Administrators: Appreciates the efforts to conform state laws with federal laws, but this is not a big issue with COSA. Some administrators like it the way it is because the staff has already been trained to use related services as part of the definition. The children will still be covered if it is changed, but the staff will have to be retrained.

MOTION: Sen. Dukes moves to include "related services" in line 11, page 2 of the SB 1193 amendments.

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

BARGEN: Explains the issue of deleting "individuals who are pregnant", labeled "#2" on EXHIBIT C. Currently individuals who are pregnant are classified as disabled students. It was a way for schools to provide services to pregnant teens. Further language in Section 8 of SB 119 is outlined in EXHIBIT E. Instead of considering pregnant students as handicapped, Section 8 would address providing services for both pregnant and parenting students. Schools will need to address the needs of parenting students as well as pregnant students. Has been looking at a way to see if the new language would say that policies would have to be in place in the local school district level to deal with pregnant and parenting students. Also would there be a individual student plan. The choices are to keep pregnant students in the statute for special education, adopt the SB 119-3 amendments as they stand, create stronger language for individual school district proposals such as proposed by LC in EXHIBIT A, or the suggestion aimed at a middle ground in EXHIBIT E.

TAPE 78, SIDE B

059 CHAIR GOLD: Your attempt at middle ground is to leave "individuals who are pregnant" deleted and add a subsection (e) to Section 8?

BARGEN: There are two proposed in EXHIBIT E: To add that school districts shall adopt policies and guidelines for implementation of Section 8 and the addition of subsection (e) which would create a personalized education plan for the pregnant or parenting student.

SEN. DUKES: What kind of special education services do schools provide to pregnant and parenting students? BRAZEAU: Under special education law, a district is supposed to conduct evaluation when it suspects a child needs special education to determine a child's eligibility. Most districts are out of compliance on this for pregnant students, because districts don't suspect young girls of being pregnant. Another problem is that once a child is determined pregnant, special services are provided until the woman delivers. Then she isn't pregnant and is not eligible for special education services.

084 JUDY MILLER, Assistant Superintendent for Student Services, Department of Education: Was concerned about deleting pregnant teens

from the statute. It is not appropriate to classify pregnant students as disabled, but there is a need for directives to districts about what they should provide to those students. Many districts provide excellent, specialized programs to pregnant and parenting teens. It is not uniform throughout the state, however. Services are more needed after the woman delivers than before. Wanted to replace pregnant students with more specific language to include parenting students and a definition of what districts are required to do. The language in the SB 119-3 amendments clarifies that. There has been suggestions that stronger language be added. Explains the options previously outlined.

165 BEAUFAIT: Interprets the language she drafted in the SB 119-3 amendments. If you take pregnant student out of the special education definition but wish to continue to mandate the services that are available to those students, you need a direction for the school district to provide the services. BARGEN: Would you speak to the middle ground option (EXHIBIT E). It doesn't go as far as the proposal in the LC letter (EXHIBIT A), but it strengthens what is already there. BEAUFAIT: Yes. 193 TRESIDDER: The bill is to delete pregnancy as a handicapping condition. Worked on language that would describe some responsibilities school districts would assume for pregnant and parenting students. That language is in the SB 119-3 amendments. CHAIR GOLD: What you are saying is that Section 8 of the SB 119-3 amendment is what you want? TRESIDDER: Yes, supports that language. The hand engrossed version (EXHIBIT E) is a positive suggestion. Is supportive of that language that would have school districts adopt policies for the implementation of the section. 247 CHAIR GOLD: What about the suggested subsection (e) on line 14? . . These minutes contain materials which paraphrase and/or summarize st~ ements made during this session. Only text enclosed in quotation marks report · speaker's exact words. For complete contents of the proceedinge, please refer to the tapes.

TRESIDDER: Doesn't support that language. The bold language in subsection (d) is adequate. It is overkill to go beyond that. Subsection (d) says what a school district's responsibility is and goes beyond current law. 264 FRANK MCNAMARA, Portland Public Schools: Wants to provide the appropriate services for parenting and pregnant students. Understood that the department would set rules defining responsibilities of the districts and the responsibilities would be broader. All of Section 8 is an extension of current law that improves the services to parenting teens. Objects to the suggested subsection (e).

331 WELLS: Agrees with the previous two witnesses. Cannot support the suggested subsection (e).

CHAIR GOLD: You all see that as an additional mandate? Mr. Tresidder, Mr. McNamara and Ms. Wells agree that it is a significant mandate.

348 BARBARA ROSS, Director's Office, Department of Human Resources: Is grateful to school districts that work with AFS requirements that help pregnant teens attend school. Is leery of action that would weaken requirements for services districts must provide to pregnant and parenting teens. The language in the amendments meet the Human Resources Department's needs in providing services. Subsection (e) is helpful as well.

WELLS: The amendments included that the state board write administrative rules. Doesn't object to the part that says school districts must adopt policies and guidelines to implement those. When schools are

standardized, the department looks at whether policies and services are in place. The standardization procedure will ensure that this happens.

413 CHAIR GOLD: Believes the committee is willing to delete " individuals who are pregnant" from the statute. Deleting that says you don't want pregnant students classified as handicapped individuals.

SEN. TROW: Doesn't want to delete it until he knows what will take its place.

SEN. MCCOY: The reason we classified pregnant students as handicapped was to get them federal funds and services.

453 BRAZEAU: Pregnancy is not a federal handicapping condition. States can go beyond federal law, but cannot receive federal funds for them.

SEN. TROW: It was in Oregon law before federal law.

CHAIR GOLD: So you don't want us to take that out.

SEN. TROW: Not until he knows what is going in.

SEN. DUKES: What are rural districts required to provide now? What will be they be required to provide under the amendments? Wants to know what the differences will be. What does a

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small district do if there is one pregnant student? What is the least under the new language that a district would have to provide? TAPE 79, SIDE B 030 BRAZEAU: The minimum they must do is assist the child through the regular curriculum or some other type of curriculum. It does not require that districts help the pregnant student and her family find other community services. SEN. DUKES: It is only to provide a basic education. BRAZEAU: Yes. Many districts do go beyond that minimum. MILLER: An addition to the special education requirement is the people who are involved in developing the plan for the student. Moving it out of the special education statute, removes that requirement. Would work with the individual student and try to bring in other services. The school would facilitate the process for the student. SEN. DUKES: The way it is worded now, could the minimum level required be the school district handing the woman a list and saying these are the services available to you? MILLER: The language says the district must facilitate the provision of services. That implies something more proactive than just handing the student a list. 100 BRAZEAU: It is not the department's intent to have pregnant students not be served by their school districts. Wants to expand it to parenting students without the narrowness of special education. SEN. TROW: Are the pregnant students covered under the current definition entitled to personalized IEP's now? MILLER: Yes, but that IEP would only extend to shortly after delivery.

SEN. TROW: Can we provide better services for pregnant individuals if we mod)fied the status quo? Is it worth making the change? MILLER: Yes, it is worth making the change. The requirements for the parenting students are critical. SEN. TROW: Will the pregnant girls be treated better? MILLER: They will be treated more appropriately. BRAZEAU: Yes, they

wouldn't be regarded as disabled. Schools would be required to provide a broader level of service. Also, the addition of parenting students would reach the fathers. Right now, the emphasis is all on the woman while she is carrying the child.

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CHAIR GOLD: Started with the deletion and then followed with the substitution because at the time the insertion of "individuals who are pregnant" into the special education definition was an achievement. By today's standards it is not. Resents pregnancy being considered as a disabling condition. Didn't want to weaken the provision, wants to strengthen it.

150 SEN. TROW: Is concerned because it is a way to get services for these students in public schools. Is there a reason why they need a personalized IEP?

MILLER: An IEP implies the whole special education process. They do not need that whole process. Some planning needs to be done at the local level about what services are going to be provided.

BARGEN: Provided on an individual basis?

SEN. TROW: That is one thing in the statute that people are objecting to.

MILLER: There needs to be some evidence that this has happened. May be able to do some of this through the rule-writing process.

CHAIR GOLD: What is the legal difference between page 2 of the LC memo (EXHIBIT A) and the hand-engrossed suggestion (EXHIBIT E).

BEAUFAIT: The SB 119-3 amendments refer to the programs and schedules that will be used to address the needs for the pregnant and parenting students, in the plural. It is a state guideline. Writing it in the plural implies that programs and materials that will meet collectively the needs of students in the category of being pregnant or parenting students. The language she suggested individualized it, instead of being collective, and imposed the duty on the school district provide the services. Nothing in the language now says the school districts must do anything the state board establishes.

213 CHAIR GOLD: If you were to change "styles" to "style" on line 16 in EXHIBIT E and insert the word "each" after "needs of n and change "students" to "student", would you be accomplishing what we want and not need subsection (e).

BEAUFAIT: Again you are moving from the plural to the singular. That is saying that the State Board of Education would have to make a provision for individualized, one on one scheduling in its rule making. The plural language says that you have collective needs of a group of people and you need to come up with procedures to meet those needs collectively. If one of that group has a peculiar need, you might not be responsive in the planning, but may be able to pick it up in other services, such as

counseling.

CHAIR GOLD: So the sub 2 in your suggested wording (EXHIBIT A) is where you are getting to the school district providing an individualized procedure and closes the loop?

BEAUFAIT: It gets the singular student. StafPs suggestion says that the state board has the power to impose the responsibility on the schools. Then it tells the districts to meet the responsibility. You can do that individually or collectively.

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CHAIR GOLD: There is consensus on the wording in EXHIBIT E that school districts shall adopt policies and guidelines. 263 MOTION: Sen. Dukes move that "School districts shall adopt policies and guidelines for implementation of this section." be inserted after "parenting students." on line 2, page 8 of the SB 119 3 amendments. TRESIDDER: Wants to make it clear that local districts are to adopt the policies and guidelines after the state board has adopted its rules. If not, districts will start writing policies before the state board can adopt rules. CHAIR GOLD: Conceptually adds that intent into the motion. SEN. DUKES: The language would then be inserted at the end of Section 8, which occurs after the state board has adopted its rules. BARGEN: Like a new subsection 3? CHAIR GOLD: That is up to Legislative Counsel. BARGEN: Style-wise, if that conceptual language is put in line 2, page 8 the following sentence stating "such rules shall include, ..." would have to be changed to refer to the Board of Education rules.

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

MOTION: Sen. Dukes moves for adoption of Legislative Counsel's suggested Section 8 with subsection 2 deleted (EXHIBIT A) to the SB 119-3 amendments.

305 BEAUFAlT: Those are page 8 of the SB 119-3 amendments.

BARGEN: The LC suggestion leaves out subsection (d) that is in the SB 119-3 amendments. Sen. Dukes' motion leaves out what is currently in Section 8 of the SB 119-3 amendments about personalized learning styles of students.

352 SEN. TROW: Wants subsection (d) kept.

SEN. DUKES: Wants subsection 2 also.

MOTION: Sen. Dukes withdraws her previous motion.

MOTION: Sen. Dukes move for adoption of Section 8 of the SB 119-3 amendments.

SEN. DUKES: Wants all of Section 8 as it exists now in the SB 119-3 amendments.

BARGEN: Explains what has been added to Section 8 by the previous vote.

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CHAIR GOLD: What is your intention, Sen. Dukes? Explains the differences between the LC memo and the hand-engrossed suggestions. SEN. DUKES: Is trying to get Section 8 as it exists, into the SB 119-3 amendments. Wants the subsection 2 which is different in the LC memo than it is in the SB 119-3 amendments. SEN.TROW: Do you want the hand-engrossed suggested subsection (e). SEN. DUKES: Wants the clean SB 119-3 amendments. SEN.PHILLIPS: We have done that already. CHAIR GOLD: Explains what has been adopted beyond the "clean" SB 119-3 amendments. Have inserted the wording: "school districts shall adopt policies and guidelines for implementation of this section." Sen. Dukes want to facilitate the adoption of Section B in some form. 400 SEN. DUKES: Have we adopted the SB 119-3 amendments? CHAIR GOLD: We conceptually suggested amendments and that is what the SB 119 -3 amendment are based on. BARGEN: The committee has been amending the SB 119-3 but it has not adopted the SB 119-3 amendments as the bill. SEN. DUKES: Doesn't want to amend it. Wants to leave it in the amendments. BARGEN: That would contradict the motion you just made. SEN.TROW: We should amend the bill with the SB 119-3 amendments and then work from there. BARGEN: We have already amended the amendments.

MOTION: Sen. Trow moves to adopt the SB 119-3 amendments as printed. VOTE: In a voice vote, there were no objections. MOTION: Sen. Trow moves that the amendments made to the SB 119-3 amendments today be included in SB 119. VOTE: In a voice vote, there were no objections. BARGEN: The committee has amended part of Section 8. You have not decided on the issue of subsection (d). It is included in the printed SB 119-3 amendments. It is not included in the suggested LC memo. Have also discussed changing it from plural to singular.

- SEN. TROW: We decided not to make it singular and leave it plural.

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CHAIR GOLD: Decided that when we adopted the SB 119-3 amendments. Are there any other changes?

475 SEN. TROW: Is the subsection (e) in the hand-engrossed suggestions in or not?

BARGEN: No.

SEN. DUKES: Have we reinstated "related services" in Section 1?

CHAIR GOLD: Yes, that was included in the last motion. Are there any other changes to the SB 119-3 amendments?

TAPE 80, SIDE A

032 SEN. DUKES: What about Cheron Mayhall's concerns about removing the

annual review of the IEP (SEE EXHIBIT D, 2-28-91)? Is that still in the bill?

BRAZEAU: Is required to do an annual evaluation by federal law. Can't require more parental signature than the federal law mandates. The federal law requires that the parent give permission for the initial evaluation. Ms. Mayhall's concern is that schools should have to get written permission from parents before conducting any evaluations. Federal law restricts that.

SEN. DUKES: Right now there can not be any change made in an IEP without a review made with the parent and the parent agreeing to that.

BRAZEAU: That is still the case and there will still be the annual review.

SEN. DUKES: Thought there were some people who didn't want the annual review. It will continue that parents are involved in that review?

BRAZEAU: Yes. Must have the annual review and parents will be involved.

CHAIR GOLD: The committee has chosen not to adopt the suggested subsection (e) in Section 8 to develop individualized education plan for pregnant and parenting teens. Also will not use LC's suggested subsection 2 to Section 8. Wants to use the singular on line 16, page 8 of the SB 119-3 amendments to show that we are doing something for the individual person.

SEN. PHILLIPS: Doesn't think we should do that and is not convinced that it will do that.

BEAUFAIT: The difference between using plural or singular is whether you are suggesting to the state board in adopting rules that it fix the obligation to deal with the students in a collective or individually. We recognize the students as being individuals in the school, but address the group collectively.

MILLER: If you refer to each pregnant and parenting student then would need some documentation in the file that shows the planning and faciliation was done on an individual basis and what services were provided. -

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103 TRESIDDER: Requests another change in the bill. On page 13 of the SB 119 -3, wants to delete line 17-24. That deletes subsection 2 of Section 14 which places a two percent cap per year on TMR students. It was left over from two years ago. It doesn't make sense with the reimbursements we hope to be moving to. CHAIR GOLD: What was the reasoning again? TRESIDDER: The language was adopted in 1989 when we were going to have an extra cost reimbursement for TMR. Had more money for reimbursement at that time. MOTION: Sen. Phillips moves to delete subsection 2 of Section 14, lines 17-24 on pages 13, of the amended SB 119-3 version of the bill. VOTE: In a voice vote, there were no objections. 145 BRAZEAU: In Section 14 there is another referral to TMR students. To modernize language would like to refer to the student

first and then to the disability. It would read students with moderate or severe retardation. Would like all references to be changed. BEAUFAIT: The request to make that change was received, but it wasn't changed in every reference.

MOTION: Sen. Phillips moves that conceptually those references to trainable mentally retarded in SB 119 be changed to "students with moderate to severe retardation." VOTE: In a voice vote, there were no objections.

CHAIR GOLD: Does the committee want to see SB 119 again with the updated amendments?

SEN. PHILLIPS: Where does the bill go?

CHAIR GOLD: It goes to Ways and Means.

SEN. PHILLIPS: No, if it went straight to the floor would want to see it again.

MOTION: Sen. McCoy moves for passage of the amended SB 119 to Ways and Means by prior reference. VOTE: In a roll call vote, the motion carries 4-0-3. Voting AYE: Sen. Dukes,

Sen. Phillips, Sen. McCoy and Chair Gold. Excused: Sen. Brockman, Sen. Grensky and Sen. Trow.

190 CHAIR GOLD: Adjourns the hearing at 5:25 p.m.

These minutes contain materials which paraphrase Sand/or summarue d&tements made during this session. Only text enclosed in quotation marks report ~ speaker's exact worda. For complete contents of the proceedings, pie&se refer to the tapes. Senate Committee on Educatidn May 14, 1991- Page 15

Submitted by: Reviewed by: Angela Muniz Jan Bargen '' \
Assistant Administrator

EXHIBIT LOG: A - Memo on amendments to SB 119 - Kathleen Beaufait - 3 pages B - Amendments to SB 119 - Staff- 16 pages C - Suggested amendments to SB 119 - Staff- 2 pages D - Suggested amendments to SB 119 - Staff- 2 pages E - Suggested amendments to SB 119 - Staff- 2 pages F - Memo about amendments to SB 119 - Staff- 2 pages

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