

SENATE COMMITTEE ON EDUCATION

May 21, 1991 Hearing Room 343 3:00 p.m. Tapes 83 - 85 MEMBERS
PRESENT: Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice-Chair Sen.
Joan Dukes Sen. Peter Brockman Sen. Ron Grensky Sen. Paul Phillips Sen.
Cliff Trow STAFF PRESENT: Jan Barga, Committee Administrator Angela
Muniz, Committee Assistant MEASURES HEARD: SB 119 - Special Education
- WS HB 2572 - Education in detention centers - PH HB 2096 - Distance
learning programs - PH HB 2108 - TSPC authorization - PH HB 2573 -
County school district - 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 83, SIDE A

005 SEN. SHIRLEY GOLD, chair: Calls the hearing to order at 3:15 p.m.

SB 119 - SPECIAL EDUCATION - WORK SESSION:

012 MOTION: SEN. TROW moves to reconsider the vote by which SB 119 was
sent out of committee.

CHAIR GOLD: The bill went out of committee with a subsequent referral
to Ways and Means. The fiscal statement we just received indicates the
bill can go straight to the Senate floor.

MOTION CARRIES: There were no objections.

CHAIR GOLD: Since the bill is going to the floor, the committee members
wanted to see the bill in final form with the adopted amendments.

038 JAN BARGEN, Committee administrator: Reviews the proposed SB
119-5 amendment (EXHIBIT A). 088 SEN. CLIFF TROW: Refers to page 8,
lines 15-17 of the amendment. > We are not asking school districts to
provide IEPs for students who are pregnant or are parenting. But we do
want some attention paid to them at the school based upon their
individual needs. Senate Committee on Education May 21, 1991 - Page 2

> School districts need to address these students not as a group but as
individuals.

152 SEN. PETER BROCKMAN: Could staff review the language on page 9,
lines 7-14, concerning "the least restrictive environment"? BARGEN: The
child should be served in as close to normal situation as possible.

195 MOTION: Chair Gold moves the amended SB 119 to the floor with a
do pass recommendation. MOTION CARRIES: All members present vote AYE.
CARRIER: Sen. Gold.

HB 2572 - EDUCATION IN DETENTION FACILITIES - PUBLIC HEARING: Witnesses:
Marvin Evans, Confederation of School Administrators (COSA) Shelby
Price, Jackson Education Service District (ESD) Alan Thede, Multnomah
ESD

217 MARVIN EVANS, COSA: The bill deals with the funding of the
educational program for schoolage children who are in detention
facilities. The effect of the bill was originally limited to Multnomah
county. The House Education Committee removed that restriction after

hearing testimony from Lane county. Since then we have learned the engrossed bill presents a problem for Jackson county. > Refers to a proposed amendment which addresses the problems in the concerned counties (EXHIBIT B).

263 SEN. JOAN DUKES: If the language is permissive, how does it foul up Jackson county?

272 SHELBY PRICE, superintendent, Jackson ESD: Neither the school district nor the ESD in Jackson county have been involved with detention facilities. ORS Section 169 makes it clear that a detention facility is responsible for providing education for those who are incarcerated. This bill would mandate that the school district be responsible. > Provides written testimony summarizing their opposition to HB 2572 (EXHIBIT C).

307 SEN. BILL MCCOY: A school district is responsible for a child's education until age 18. I don't understand how you can say the child's education is the court's responsibility.

PRICE: Because the law says it.

EVANS: We have a different interpretation of the law in different parts of the state. There is a practical problem related to the funding of the program. Only in Jackson county is the county funding the educational program for children in detention centers. The purpose of the amendment is to not disrupt what is already in place and working.

354 ALAN THEDE, superintendent, Multnomah ESD: Reads his testimony explaining why the bill was introduced (EXHIBIT D). The county is responsible for providing the facility but not for providing the education program. > Original bill was directed at the Multnomah ESD. Not their intention to force this approach on any other ESD, local district or juvenile detention facility.

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406 PRICE: Reviews his testimony (see EXHIBIT C). > The average stay in Jackson county detention center is 8.3 days. An education program starts by the fifth day. What can be accomplished for a student who is there such a brief period of time.

TAPE 84, SIDE A 029 PRICE: Education should be the responsibility of the detention center. It should not become a new mandate for school districts. > Withdraws opposition to bill with the amendment.

EVANS: There are nine detention facilities in the state. This bill as amended would cover Multnomah and Lane counties. The other seven would be excluded. 053SEN. RON GRENSKY: What is happening now in Jackson county and who is providing the education? PRICE: Jackson county employs a teacher and provides the education program. SEN. TROW: Do the other detention centers provide education and how is it paid for? EVANS: It varies from facility to facility. Some of them do not provide a education program. Most of them have an average retention of 8-9 days. SEN. TROW: Do any of them bill the school district? EVANS: Yes, but it is on a voluntary basis. There are no provisions in the law for reimbursement. SEN. TROW: What kind of state policy is it when some

districts do it one way and the others do it another way? EVANS: The amendment doesn't make it a matter of policy. It just accommodates what is in place today without transferring the funding from one entity to another. SEN. TROW: Suggests the Department of Education look at the problem. 123 SEN. McCOY: Is it not statewide policy to provide education for every child in K-12? The law does not specify where the child is. EVANS: ORS 169.740 indicates the county is responsible for providing the education program in a detention or other type of facility. THEDE: An exception would be the State School for the Blind and the School for the Deaf. SEN. McCOY: Is the basic school support money the school district receives for a student in a detention center turned back over to the state? - These minutes contain material which paraphrase and/or summarize data recorded 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 May 21, 1991- Page 4

PRICE: If the children are not registered in the local school district, no basic school support is drawn for them.

SEN. McCOY: When the state assumes more responsibility for the care of these kids, is it going to be the local school district that will dictate who they will educate?

170 SEN. TROW: Were these amendments proposed to the House committee?

EVANS: No, we did not become aware of the Jackson county problem until after the bill had passed out of the House.

SEN. DUKES: It seems reasonable to assume a juvenile sent to a detention center during the school year would still be included in the number of students the school district receives basic school support for.

PRICE: The number of days of school attended by each child are collected four times a year.

SEN. DUKES: I think the way school funding works is if a student is out of school for a period of time, the school district still gets basic school support. Did this same type of discussion happen in the House?

THEDE: Yes, similar questions were asked about the responsibility of school districts for students.

249 SEN. DUKES: I would like to see the school district involved in the education program in a detention facility, even if it is only an evaluation of the problems a child may be having.

PRICE: We agree. The question is who pays for it.

SEN. DUKES: The state is paying for it through basic school support. It is your responsibility as a school district to determine what learning problems a student may have. . SEN. GRENSKY: The counselors representing juveniles do not have the time to assess learning disabilities. The best way is to flag the child and follow up after the child is released from the detention center.

HB 2096 - DISTANCE LEARNING PROGRAMS - PUBLIC HEARING: Witnesses: Wayne Neuberger, Department of Education David Myton, Teachers Standards and Practices Commission (TSPC)

BARGEN: This bill is from the Joint Interim Education Committee.

335 WAYNE NEUBERGER, associate superintendent, Department of Education: Explains what distance learning consists of and what school districts are interested in it. > The issue of whether distance learning instructors should be certified came before the Legislature. The initial solution to the problem was to approve any instructor who had a K-12 certification in the appropriate subject area and who could pass a basic skills test. > We still encounter people who are college instructors teaching distance learning courses but -

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> The House Education Committee was interested in opening up the availability of distance learning to schools throughout the state without putting any major strings on it. Section 4 eliminates the requirement that the State Board of Education approve distance learning courses that might be originating outside the state.

TAPE 83, SIDE B

007 SEN. TROW: Concerned that unqualified people will be teaching courses and not teach academically sound information.

NEUBERGER: The ability to deliver the courses depends upon up-to-date curriculum with good instructors. There is competition to teach these courses and if somebody is not providing a good course, then they are not going to be around very long.

SEN. TROW: It seems to me we ought to be concerned that these programs meet a certain standard. Suggests the Department review the programs.

NEUBERGER: Currently, we have been reviewing all the courses brought into the state. We have yet to find a course that was not well put together. The House Education Committee felt it was not necessary to continue the review. School districts have enough expertise on staff to judge the appropriateness of the course for their students.

SEN. TROW: It makes sense to continue to look at these programs.

063 SEN. DUKES: Does someone review the curriculum for these televised classes?.

NEUBERGER: Under current statutes, the State Board of Education is required to approve any of those courses. The school districts get a list of approved courses. The only courses we have turned down are the ones with instructors who have not met state requirements.

SEN. TROW: I still think it makes sense to have a handle on what is used in the schools. Are most of the programs prepared in the state?

NEUBERGER: Each individual school contracts with the provider. There are three main providers: one from San Antonio, Texas; one in Oklahoma and one in Spokane, Washington.

SEN. TROW: What about religious type programs?

NEUBERGER: It would be up to local school boards to make that decision.

SEN. TROW: I am not sure I am comfortable with that. Each school board has a different composition with different values. The Department reviews textbooks so why should we allow people to use any programs they want. NEUBERGER: There is a balance between what needs to be controlled from the state level and what needs to be left up to local control. Most of these courses are aimed at advanced students.

174 SEN. DUKES: Local control is fine to a point and should not be the only reason you are doing

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174 SEN. DUKES: Local control is fine to a point and should not be the only reason you are doing this.

BARGEN: Do school districts in other states contract with program providers as opposed to state level approval?

NEUBERGER: It varies from state to state. Most issues are concerning instructor certification.

SEN. TROW: Who really wants this bill? BARGEN: This issue was brought before the Legislature during the 1989 session after TSPC ordered forfeiture of basic school support from two districts that had subscribed to out-of-state distance learning courses and the instructors were not holding Oregon teaching certificates.

249 DAVID MYTON, executive secretary, TSPC: Explains how HB 2316 (1989 session) was very confusing and the Joint Interim Education Committee introduced a bill that would have required TSPC to issue a distance learning certificate for persons teaching out-of-state, The House Education Committee did not like that provision and took out both the certification and approval of courses by the Board of Education. SEN. TROW: What is your assessment of why the House Education Committee didn't like the legislation? MYTON: They felt it was bureaucratic to require an instructor in another state to have an Oregon certificate. Testimony in support of HB 2096 was provided by COSA (EXHIBIT E).

HB 2573 - COMMON SCHOOL DISTRICTS - PUBLIC HEARING: Witnesses: Greg McMurdo, Department of Education

323 GREG McMURDO, Department of Education: The bill originally would have transferred responsibility to cover the costs at the juvenile training schools from CSD to the Department of Education. It now does the following: > Adds county unit to the definition of common school district. > Makes it clear a person running for the school board must meet the one-year residency requirement just as same as someone running for any other school board office. > An employe of the district may not run for the school board. The intent of the bill is to simply clarify what the law is.

H11 2108 - TEACHER STANDARDS AND PRACTICES COMMISSION - PUBLIC HEARING: Witnesses: Nora Schliske, Teachers Standards and Practices Commission (TSPC) David Myton, TSPC Les Zaitz, Oregon Newspaper Publishers Assoc.

420 NORA SCHLISKE, chairperson, TSPC: Explains in HB 2108 they are amending their

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investigative procedures because the current statute language is not clear and they want to provide compensation to public members of the Commission. > Provides written testimony concerning the proposed changes (EXHIBIT F).

443 MYTON: Reviews information in their written testimony concerning the proposed changes.

TAPE 84, SIDE B

010 MYTON: Continues reviewing the changes proposed in HB 2108. SCHLISKE: Reviews testimony explaining why they are requesting compensation of public commission members. > The money is budgeted for the next biennium through an increase in licensing fees. We need the statutory consent.

BARGEN: Is the amount of money for the biennium is \$3,900?

MYTON: That is correct. Each commissioner serves approximately 20 days a year. We have three public members out of the 17 member commission. The cost is \$3,600 plus \$300 for OPE.

BARGEN: What would happen to that money if you didn't have this language?

MYTON: It would revert back to the TSPC dedicated fund.

MYTON: There are 144 boards and commissions that do compensate their public members. - 136 SEN. TROW: Is investigation and revocation a growing activity?

MYTON: It is increasing. We estimated we would have 100 cases to investigate during this biennium. In the past year, we have investigated 78 cases.

SEN. TROW: There are other ways to discipline teachers besides revoking their certificate such as the Fair Dismissal Appeals Board and or action by the local school district. Is the investigation and revocation process easier than those other methods?

SCHLISKE: This bill came about because of a specific event and because we wanted information about the individual involved to become part of the national files. This person's certificate expired prior to TSPC holding a hearing. Teachers have the right to go through those other appeals.

SEN. TROW: It is easy for school districts to escape their own responsibility towards teachers by simply filing a complaint and making an investigation necessary.

MYTON: It is not the school districts sending general complaints to TSPC

but patrons in the districts. Parents are dissatisfied with the way the board or administration handled a situation. TSPC has established a new procedure where it asks the district for a response before an investigation is begun.

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> TSPC plans to talk to school board members about this problem and alert them to being more receptive to those type of complaints.

268 LES ZAITZ, Oregon Newspaper Publishers Association: We are concerned about the confidentiality provisions over the documents generated in the investigation and the executive director's findings to TSPC. In Oregon, we have an open government policy. This legislation continues to keep secret all the documentation concerning an allegation of criminal or serious gross misconduct by a teacher. Our position is that the documents ought to be disclosed as early as possible, court proceedings should be open to public inspection, and if the public were able to come forward with additional information concerning the allegations, there would be better public monitoring of TSPC's conduct. > We support changing the statute to protect the investigation during the investigation stage. We feel the constitutionality ought to stop after the investigation is completed and the executive director of TSPC has forwarded his report on to the Commission. > Refers to his proposed amendment (EXHIBIT G). 369 SEN. DUKES: Talks about county board of commissioner executive session proceedings and how their actions are similar to what has been discussed. It is really an employment issue.

ZAITZ: We believe if the action has attracted the attention of TSPC, it goes beyond traditional personnel matters. Personnel matters are not automatically sealed from disclosure in this state. Teachers perform in a public job and public oversight is more compelling than the need for secrecy.

SEN. TROW: The information is kept confidential in case the accused person is found innocent so that his or her reputation is not scarred.

TAPE 85, SIDE A

006 ZAITZ: If that person is charged with a crime, the public is entitled to all the information from the start. Allowing the information to be public may assist TSPC to make better determinations. Information may be provided that clears the teacher.

SEN. TROW: What if the investigation finds the charges are frivolous and would have great damage to the individual? ZAITZ: In most cases, if something is not proven, the public is not going to pay may attention to it. Public attention will be sign)ficant in larger cases. There are mechanisms in the law that TSPC can use to keep information confidential.

037 CHAIR GOLD: Adjourns the meeting at adjourns at 5:05.

Transcribed by: Reviewed by:

Carolynn Gillson Jan Barga Assistant Administrator - These

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EXHIBIT LOG:

A - SB 119-5 amendment - committee staff - 16 pages B - Proposed amendment for HB 2572 - COSA - 1 page C - Testimony on HB 2572 - Jackson ESD - 1 page D - Testimony on HB 2572 - Multnomah ESD - 2 pages E - Testimony on HB 2096 - COSA - 2 pages F - Testimony on HB 2108 - TSPC - 7 pages G - Proposed amendment for HB 2108- Oregon Newspaper Publishers Assoc. - 1 page