

HOUSE COMMITTEE ON EDUCATION

February 14, 2005 Hearing Room E

1:00 P.M. Tapes 32 - 33

MEMBERS PRESENT: **Rep. Linda Flores, Chair**

Rep. John Dallum, Vice-Chair

Rep. Steve March, Vice-Chair

Rep. Debi Farr

Rep. John Lim

Rep. Arnie Roblan

Rep. Chip Shields

STAFF PRESENT: **Jim Keller, Committee Administrator**

Kellie Whiting, Committee Assistant

MEASURES/ISSUES HEARD:

Introduction of a Committee Measure - Work Session

Oregon Department of Education review of the Oregon

Administrative Rule Process – Informational Meeting

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 32, A		
002	Chair Flores	Calls the meeting to order at 1:04 p.m. and opens the work session for introduction of a committee measure.

INTRODUCTION OF COMMITTEE MEASURE - WORK SESSION

012	Rep. March	MOTION: Moves LC 2007 BE INTRODUCED as a committee bill.
023	Rep. Lim	Asks for clarification of the draft.
028	Matt Markee	Explains LC 2007 (EXHIBIT A). States that LC 2007 would allow a non-resident student, who is dependent upon their parents to receive in-state tuition if one of their parents were to move to Oregon and marry a resident of Oregon. States that it also allows in-state tuition for domestic partners. States that it defines a domestic partner as a couple who has lived together for nine months. Comments that they would have to live together for nine months prior to the beginning of the school year.
035	Rep. Farr	Inquires if this includes illegal residents of this state.
055	Markee	Responds that he is not sure. Refers to lines 13-21 of page one and points out the criteria for a resident of the state of Oregon. Comments that they are trying to get a amendment to clarify what a citizen of this state is.
065	Rep. Lim	Refers to the second page, line B and inquires what the basis of the nine month duration is.
068	Markee	Responds that the language was pulled from the Employment Department's Administrative Rules.
073	Roblan	Inquires about the time it takes to become a resident of Oregon.

- 075 Markee Responds it is case by case in regards to students under the age of eighteen. Responds that typically it is one year.
- 083 Roblan Inquires if a student who was eighteen and lived in Oregon for a year would get in-state tuition.
- 091 Markee Responds that it depends if they are claimed as dependents on their parents tax form.
- 092 Rep. March Clarifies this is only an introduction of a committee bill.
- 098** **VOTE: 7-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 099 Chair Flores The motion CARRIES.**
- 105 Chair Flores Closes the work session on the introduction of a Committee Measure and opens the informational meeting on the Oregon Department of Education's review of Administrative Rules.

Oregon Department of Education review of the Administrative Rule PROCESS - INFORMATIONAL MEETING

- 129 Salam Noor Assistant Superintendent, Oregon Department of Education. Submits the chart showing the subject area endorsement communication log **(EXHIBIT B)**. Explains the timeline in regards to the communication of modification and changes to school districts. Refers to the Oregon Standards newspaper article **(EXHIBIT C)** and explains the different types of communication they have had with the school districts.
- 200 Noor States that they sought an opinion from the Attorney General in regards to the intent of HB 2744. The State Board of Education adopted the opinion in January 2005.
- 229 Rep. Farr Inquires about how often and necessary it is to go to the Attorney General for clarification of bills that have been signed by the Governor.
- 230 Noor

		Responds that a legal opinion would be sought in the event that the intent of the law was unclear and committee records and notes failed to clarify.
239	Randy Harnisch	Refers to the charter school bill and compares it to the current situation in regards to the clarity of the intent.
251	Rep. Farr	Inquires if the standard of procedure would be to initially contact the author of the bill.
259	Harnisch	Responds that the case law history of statutory interpretation in Oregon is unique. States that in the case of the language being absolutely un-ambiguous to the face of the first reading, is what determines if the court will look and use any other statutory interpretation guidelines.
275	Chair Flores	Clarifies that Mr. Harnisch has stated the courts unwillingness to interpret was in the event of an un-ambiguous nature, and the Oregon Department of Education is suggesting by reason of delay that the HB 2744 was in fact ambiguous.
078	Harnisch	Concurs.
284	Rep. March	Inquires when they sought the Attorney General's opinion.
290	Noor	Responds that the opinion was received in December, and Mr. Noor believed the opinion was sought in October or November of 2004.
309	Rep. Roblan	Comments that the issue of ambiguity was in regards to whether the endorsements would be or shall be provided by the districts.
312	Noor	Concurs. States that the ambiguity was over the subject area endorsements and offering instruction to provide the endorsements.
324	Rep. Roblan	Comments that the intent of the language was " <i>may</i> " not " <i>shall</i> ".
329	Noor	States that the intent was that the districts may offer subject area endorsements and the districts may require them to do so if they choose to.
334	Rep. Dallum	Inquires if the school districts have the rules.

- 340 Noor Responds that they do not. States that they have taken it to the school board to adopt the item before proceeding with the rule making process.
- 349 Harnisch Comments that HB 2744 did not require any additional work in regards to additional requirements. States that the assessments were already being enforced through the state.
- 375 Rep. Dallum Comments if the general knowledge of the non-requirements of the CIM has been communicated to the schools.
- 388 Noor Comments that the communication has been submitted to the school districts in regards to the non-requirements, requirements that have changed and the optional requirements.
- 410 Rep. Dallum Inquires if the implementation of administrative rules has taken this long before.
- 420 Noor Responds that this is the only time that Mr. Noor is aware of.
- 428 Rep. Farr Inquires if there is an easier way to communicate and disseminate the information to schools. States that teachers came to her with no knowledge of the changes to the CIM requirements.

TAPE 33, A

- 004 Noor States that information is posted on their website and can not explain why the information is not getting to all teachers and staff.
- 017 Chair Flores Requests a specific time frame for issuance of the numbered memorandum.
- 022 Noor Comments that they are in the process and the memorandum will go out today or tomorrow.
- 027 Chair Flores Inquires if the normal protocol is to seek department approval before implementing the law.
- 033 Chair Flores Inquires if members of the Department of Education were involved and monitoring the process of HB 2744 moving forward through the

legislature and following the meeting to understand the legislative intent so that there would be no need for clarification.

- 045 Noor States that there is new leadership in the Department of Education and they are committed to update the rules.
- 058 Chair Flores Comments that the Bill was effect in July 2003 and inquires if it was clearly not workable through ODE's process.
- 064 Noor States that he was not in leadership at the time.
- 073 Rep. Roblan Comments that the CIM that is being offered is the same as it was with the exceptions to the optional requirements.
- 110 Harnisch States that the State Board of Education will file the permanent rules in three months. States there will be temporary rules in place until the permanent rules are in place.
- 128 Noor Explains what the department would like to look at changing the Division 22 requirements, be consistent with legislative intent, approach relevancy and consistency with regards to the rules and states they have a plan to form a group to make the progress.
- 172 Chair Flores Inquires when they started the review of the Division 22 requirements.
- 178 Noor Responds that they started last year.
- 185 Chair Flores Clarifies that they have had ongoing meetings since last year.
- 190 Noor Responds that is incorrect.
- 191 Chair Flores Inquires if that is a internal working document.
- 192 Noor Responds that it is an internal working document and will be provided to Chair Flores.
- 195 Rep. Dallum Inquires if they have legislative recommendations from that body of work.

- 197 Noor States that the rules are a reflection of statute and they might need to come back before the appropriate bodies to seek statutory modifications.
- 208 Noor States that they will produce a preliminary report and legislative recommendations in April, 2005. Submits informational packet which includes a copy of HB 2744, second language update, resources for student success information, ODE executive memorandum, State Board agenda record and the State Board's Docket of business **(EXHIBIT D)**.
- 229 Chair Flores Closes the informational meeting on the ODE's review of administrative rule process and adjourns the meeting at 1:51 p.m.

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EXHIBIT SUMMARY

- A. **Introductions, LC 2007, staff, 2 pp**
- B. **Oregon Department of Education, communication log, Salam Noor, 8 pp**
- C. **Oregon Department of Education, newspaper article, Salam Noor, 2 pp**
- D. **Oregon Department of Education, informational packet, Salam Noor, 97 pp**