

HOUSE COMMITTEE ON EDUCATION

February 07, 2005 Hearing Room E

1:00 P.M. Tapes 25 - 26

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:

Education Mandates relating to Federal Regulations, Oregon

**Revised Statutes and Oregon Administrative Rules- 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
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TAPE 25, A

003	Chair Flores	<p>Calls the meeting to order at 1:06 p.m. and opens the informational meeting on education mandates. Explains the categories of mandates the Committee will be working to develop:</p> <ol style="list-style-type: none">1. Mandates that are critical to a child's safety and educational well being.2. Technical mandates that do not rise to the level of critical.3. Mandates that create a work or financial burden in schools, which benefits do not match the cost. <p>Introduces the Rep. Roblan (House District 9) who has replaced Rep. Tomei on the Education Committee.</p>
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Education Mandates- INFORMATIONAL MEETING

053	John Marshall	Oregon School Board Association. Refers to page one of the K-12 education mandates (EXHIBIT A) and explains the statutory and administrative mandates the state and federal government imposes in regard to K-12 school districts. Gives examples of city and county requirements.
120	Marshall	Refers to page two and describes the educational and other categories of mandates. Refers to page three and provides a list of major requirements for K-12 mandates.
160	Marshall	Expresses that he discourages the Legislature from imposing new mandates in regards to the educational curriculum.
173	Rep. March	Inquires about the cost of the mandated requirement of Arbor Week observance.
180	Marshall	Responds there are sponsors that do provide resources and material to allow the students to participate.

197	Rep. March	Inquires if the cost is minimal.
204	Marshall	Concurs. Explains there are expensive programs, but with educational benefits.
215	Rep. Farr	Inquires about the Talented and Gifted (TAG) Program mandate and comments that the Oregon Department of Education had stated in a previous meeting that there was not a mandate in place for the TAG program.
224	Marshall	Responds that it is a mandate and notes that it is found in ORS 343.407.
238	Rep. Roblan	Clarifies the mandate states that the Oregon Department of Education (ODE) is mandated to have a plan in place and to test the students, but it is not mandated to submit the plan.
244	Rep. Dallum	Inquires if there is a mandate to implement the plan for TAG.
252	Salam Noor	Assistant Superintendent of Educational Improvement and Innovation, Oregon Department of Education. Responds the district is required to develop a plan in regards to TAG programs, but are not required to submit the plan to the Department of Education unless there is the intent to receive federal or state funds.
267	Chair Flores	Inquires about the impact of administrative rules concerning page three.
270	Marshall	Responds that the legislature passed a statute and expects the ODE to implement that statute. Explains the statute does not have the specificity or clarity and the ODE adopts the administrative rules to provide specific guidelines to the school districts. States the ODE is granted broad authority to adopt these rules based on their view of the statutes.
289	Rep. March	Inquires if there are any specific mandates or administrative rules stating how to change, remove or fund adequately.
301	Marshall	Responds the administrative rules deal with reporting requirements and there has been issues in regard to sections tending to duplicate one another. States there has been attempts to minimize the burden of

producing duplicate data as well as maintaining and meeting accountability requirements.

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| 336 | Chair Flores | Inquires about how they know if the administrative rules are meeting legislative intent. |
| 344 | Marshall | Responds that the rules are kept from exceeding their statutory authority by members in the K-12 community. |
| 356 | Chuck Bennett | Director of Governmental Relations for the Confederation of Oregon School Administration. Comments that there are concerns about the costs associated with statutory mandates. Comments that clear fiscal impact statements would be very helpful to monitor funding and spending. Explains that it is difficult to come before the committee with negative information when in fact the over all progress or intent is positive. Refers to the impact of changing structural codes. |

TAPE 26, A

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| 006 | Bennett | States the building codes are among the issues that effect the cost for the school districts. |
| 012 | Rep. Dallum | Inquires about the time involved for a classroom teacher in regards to the preparation for the TAG program and ethics or morality instruction. |
| 032 | Bennett | Responds that planning and development are areas of concern in regard to planning time and money for classroom teachers. States the rule making and policy implementation is important and takes time. |
| 051 | Rep. Lim | Comments there are 44 mandates on (EXHIBIT A) and notes there are no recommendations. Inquires about the mandate requiring the display of the United States flag, the Oregon Flag and student salute options. |
| 063 | Marshall | Responds there was a bill passed requiring that students are to be given the opportunity to say the pledge of allegiance at least once a week. |
| 073 | Rep. Lim | Inquires if this statute is being enforced at this time. |
| 076 | Marshall | Comments that he hopes all schools are in compliance. |

080	Rep. Lim	Inquires if placing a flag other than the United States flag is against the law.
090	Chair Flores	Comments there are schools that do not allow time or have the time to participate in the pledge of allegiance at least once a week, as required by law. States she has been contacted in that regard.
098	Pat Bedore	Superintendent of Albany School Districts. Explains the Division 22 Considerations for Amendment or Wavier (EXHIBIT B). Refers to page five, paragraph three and speaks about the recommendations in regards to the financial impact. Refers to page eight and points out the unfunded mandates. Urges the committee to let options to be controlled at the local level.
206	Rep. Farr	Inquires about House Bill 2744 in regard to the endorsement requirements for the Certificate of Initial Mastery (CIM).
210	Jim Keller	House Education Committee Administrator. Responds that the CIM requirements were limited to Math, English and Science and endorsements were available in other areas.
222	Rep. Dallum	Inquires if the teachers would participate in a career education option.
230	Bedore	Concurs. States that if the option was a priority and teachers would be held accountable, they would participate.
233	Rep. Dallum	Comments there are professionals in the classroom, district offices, school district offices and elected officials that will see to providing students within their community the best education possible. Inquires if that is a fair statement.
242	Rep. Farr	Inquires why school administrators would have failed to know that the core subjects had been reduced to three.
251	Bedore	Refers to page one and explains the requirements for the CIM program.
258	Jim Keller	Clarifies that Ms. Bedore is making reference to the Oregon Administrative Rules and Mr. Keller has referred to Oregon State Statute.

259	Rep. Farr	Asks what are the requirements to obtain the CIM.
264	Salam Noor	Responds that the administrative rules have not caught up with the changes in the statutory law. Explains that in the 2003 session, the legislature had made modifications to the requirements. States that a CIM can be earned in the Math, Science and Language Arts. States that HB 2744 established Subject Area Endorsements. Comments the State Board of Education took action in January 2005 on the performance requirements that the legislation directed the department to develop. States the department has been working on the language issue for over a year. States they are in the process of sending out the numbered memorandum that will communicate the policy to all the school districts throughout the state.
298	Rep. Roblan	Comments that Oregon Administrative Rule requirements are still in place and have just as much standing as law. States even with the changes to the law, the administrative rules are still in place and are required.
304	Noor	States memorandums are the official notification to districts that there has been amendments to policy.
311	Rep. Dallum	Inquires if the memorandum has been submitted.
315	Noor	Responds the memorandum is in the process of being designed and will hopefully be sent out in the next few weeks.
323	Rep. Dallum	Inquires if this is the normal amount of time for this process to take place.
329	Noor	Explains that the legislation had required them to take a different direction than the direction they were headed and it has taken time to interpret the legislative intent.
340	Randy Harnish	Oregon Department of Education. Responds that it has taken longer than it normally should. States that the language of the Bill, which was passed in 2003 was unclear to the Oregon Department of Education and they have been working with council to interpret the language and are working towards adopting the administration rules.
360	Rep. Dallum	Inquires about the impact on students, the planning of the school year and how they planned to meet the CIM requirements, in regards to not having the information at the beginning of the school year.

360	Bedore	States she does not think it would impact students, but it does have an impact on the focus of the teachers expectations and lessons.
373	Rep. Dallum	Inquires if the school districts would have had the information prior to the beginning of the school year, would it have given the staff more latitude on meeting the CIM requirements.
376	Bedore	Comments at this time in the Albany school districts, it is not a requirement to graduate.
385	Rep. March	Comments the law went into effect in January, 2004 and inquires if during the interim they contacted the author of the draft, the legislation, or legislative staff in regards to the intent of House Bill 2744.
399	Harnish	Comments they were in contact with Jim Keller.
405	Noor	States he was not in direct contact with Mr. Keller but did communicate publicly with districts immediately after the passing of the legislation, that the requirements for the CIM had changed. States the School Board took action to communicate the changes and responsibilities in policy by changing the requirements for the three specific areas. States at the time and repeatedly afterwards, they did communicate to the districts and other partners in the field to solicit their input into the process. States they are still in the process of interpreting the legislative intent of HB 2744 and are in the process of developing a timeline in regard to HB 2744.

TAPE 25, B

017	Chair Flores	Asks what was the content of the memorandum sent to the school districts, upon the passing of this legislation, indicating there were changes made.
021	Noor	Responds the changes were communicated to the school districts after the State Board of Education adjusted the requirements for the CIM program to include only Math, Science and Language Arts as opposed to all seven areas. States he does not recall the date of notification. States he can retrieve the information in regards to the date of notification to the school districts. States he recalls the State Board of Education involved in conversations during the time of the legislative session to make the changes in anticipation of a change in legislation.

033	Chair Flores	Requests a copy of the communication.
036	Rep. Farr	Comments that during the last session there was an amendment regarding the change in language.
042	Rep. Roblan	States the need to develop assessments did not change with HB 2744.
047	Noor	Responds that HB 2744 directed the Department of Education to establish performance qualifications, not to establish a statewide assessment.
055	Chair Flores	Expresses concern over the time of the adoption of the law and the time it is taking to implement administrative rules, as well as the effect on the school districts' ability to properly plan.
074	Mark Jeffery	Superintendent, Paisley Elementary Charter School. Explains the funding difficulties for unfunded mandates. States the school started with a staff of 30 and is now at 17. States it has been a charter district for eighteen months.
181	Chair Flores	Inquires if charter districts subject to all division 22 mandates.
186	Jeffery	Responds that the federal legislation and testing are mandate requirements. States they have adopted the CIM requirements to ensure consistent education and to retain teachers.
213	Rep. Dallum	Inquires about the eighteen months to become a charter district.
219	Jeffery	Clarifies they have been operating as a charter district for eighteen months and it also took eighteen months to get through the process to become a charter district. States that the biggest obstacle was figuring out the governmental structure.
233	Rep. Farr	Comments that prior to becoming a charter district they separated out from the USDA program. Inquires if every student comes to school with a packed lunch from home.
243	Jeffery	Responds it was a difficult decision to eliminate the breakfast and lunch program yet keep the athletics program. Comments that students are provided with lunch if needed. States there is a volunteer organization that assists in providing breakfast and lunch for students and many elementary students participate in that program. States that

high school students go into town to have lunch and are provided with discounts.

269	Rep. Shields	Inquires about the teacher job retention before they became a charter district.
273	Jeffery	States the difficulties to find teachers who fall under the No Child Left Behind Act requirements and who are trained in both science and social studies.
292	Rep. Shields	Inquires if the pay structure is significantly different from the previous situation.
295	Jeffery	States they have union representation and the pay scale has not changed. States the funds are not put into salary but rather into text books and other educational resources.
319	Rep. Lim	Inquires about the percentage of the federal government grant.
320	Jeffery	Responds they received \$50,000 to develop the program, they received \$150,000 last year, will receive another \$150,000 this year and then be expected to function on their own.
338	Rep. Lim	Inquires if they will be able to function without the federal funding.
343	Jeffery	Comments that in order to sustain the charter school status you have to maintain and operate with out funding.
363	Rep. Lim	Comments that the future is not clear, the funding source is not clear and the continuation of education of children is not clear.
370	Noor	Comments that they will answer and respond to questions.
387	Chair Flores	Inquires if there are any additional Oregon Administrative Rules that have not yet been updated.
390	Noor	Comments that Division 22 requirements have not been updated for many years. States there is staff considering what rules are current and pertinent to education.

TAPE 26, B

010	Chair Flores	Inquires if there is a fast tract approach to further review.
012	Noor	States there will be a task force in place within at least six months.
033	Chair Flores	Requests a report within a months time, in regards to the progress of implementing the Administrative Rules.
036	Rep. Dallum	Comments he would also like to know how the Education Act fits in to the review of the rules.
043	Noor	States there is caution in regards to the six month deadline and states they do not want to contradict any other rules.

The following prepared testimony is submitted for the record without public testimony:

	Committee Staff	Submits copies of Oregon K-12 statutory mandates, (EXHIBIT C) Submits copies of Oregon Administrative Rules, (EXHIBIT D and E)
065	Chair Flores	Closes the informational meeting on education mandates and adjourns the meeting at 3:11p.m.

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EXHIBIT SUMMARY

- A. Education Mandates, K-12 Education Mandates, John Marshall, 3 pp
- B. Education Mandates, Division 22 Considerations for Amendments or Wavier, Pat Bedore, 9 pp

The following material is submitted for the record without public testimony:

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- C. **Education Mandates, Oregon K-12 Statutory Mandates for Schools/School Districts, staff, 7 pp**
- D. **Education Mandates, Oregon Administrative Rules, staff, 28 pp**
- E. **Education Mandates, Oregon Administrative Rules, staff, 55 pp**