

HOUSE COMMITTEE ON EDUCATION

March 30, 2005 Hearing Room E

1:00 P.M. Tapes 68 - 70

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:

HB 2650 – Public Hearing

HB 3169 – Public Hearing

HB 3183 – Public Hearing

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 68, A

002	Chair Flores	Calls the meeting to order at 1:00 p.m. and opens the public hearing on HB 2650.
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HB 2650 – PUBLIC HEARING

010	Jim Keller	Committee Administrator. Reads HB 2650 and introduces proposed - 1 amendments to HB 2650 (EXHIBIT A) .
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018	Rep. Gene Whisnant	House District 53. Submits and reads from prepared testimony (EXHIBIT B) in support of HB 2650. Explains the percentages of declining enrollment in Oregon school districts. Explains the amount of money spent on phantom students. Encourages a workgroup to consider the proposed amendments.
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126	Rep. March	Requests the net effect on the current enrollment. Inquires about the effect of not meeting the anticipated enrollment.
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149	Rep. Whisnant	Responds how the bill is structured in regards to enrollment and the amount of funds schools receive.
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170	Rep. Roblan	Responds on the equitable ways to distribute money.
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198	Rep. Dallum	Inquires if the research provided a statewide dollar figure per ADM.
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203	Rep. Whisnant	Responds the research concluded that the total funding per student has increased.
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218	Rep. Dallum	Comments on the issue of rapid growth and the funding formula for schools based on enrollment.
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225	Rep. Whisnant	
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Concurs. Responds about the need for modifications to the distribution formula. Encourages the committee to address the difficult issues.

- 251 Peter Tarzian Oregon Small Schools Association. Submits and reads from prepared testimony **(EXHIBIT C)** in opposition of HB 2650. Comments on concerns over contractual commitments based upon unknown revenue levels.
- 342 Tarzian Comments on the effects of changing the formula and the elimination of the look-back formula. States the problem is that the personnel and reporting requirements would be compromised. Encourages the workgroup to address the issues.
- 392 Kent Hunsaker Confederation of Oregon School Administrators (COSA). Submits and explains the district level ADM chart **(EXHIBIT D)**. Testifies in opposition of HB 2650.

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- 002 Hunsaker States the formula protects districts to plan ahead and meet the plans.
- 023 Matt Markee Representing Equity Steering Committee. Testifies in opposition of HB 2650. Explains the difficulty in regards to cuts in funding within the districts.
- 045 John Marshall Oregon School Board Association. Testifies in opposition of HB 2650. Concurs with Rep. Whisnant in regards to determining if the basis for allocating funds throughout the districts is meeting the intent. States it is time to evaluate the formula. Comments he will participate in a workgroup.
- 089 Rep. Farr Inquires about the distribution formula prior to 1991.
- 094 Marshall Explains how the schools primarily relied on local property tax.
- 119 Rep. Farr Comments on the inequitable distribution.
- 122 Marshall Responds about the equity issues and the equalized resources.
- 131 Rep. March

Inquires about how when the money is obtained when there is an increase of attendance.

141	Marshall	Responds school districts are turning in estimates on expected enrollment. Responds the Department of Education make distributions according to the estimates. Explains when and how the current data on enrollment and estimates are compared and how adjustments are made accordingly.
167	Rep. March	Clarifies that trends and averages are followed.
171	Marshall	Concurs.
173	Rep. Shields	Inquires about the rural school districts in regards to declining enrollment.
181	Hunsaker	Responds and explains the figures on (EXHIBIT D) .
188	Rep. Lim	Inquires about enrollment versus attendance.
197	Huntsaker	Responds about the different attendance and enrollment issues.
221	Rep. Lim	Inquires about the definition of make up.
224	Hunsaker	Responds about how the issues of welfare, divorce and lower income areas are reflected.
237	Rep. Lim	Inquires if includes ethnicity.
240	Hunsaker	Responds it is usually about income.
250	Rep. March	Inquires about the special education cap.
256	Hunsaker	Responds about the funding formula for special education.
288	Rep. Dallum	Inquires when a modification is made, how long it takes to get information out into the school districts.
301	Marshall	Responds about the timeframe.

316	Chair Flores	Inquires if there have been changes made since the 1991 implementation of the school district distribution formula.
323	Marshall	Describes the small changes made.
345	Rep. Dallum	Inquires how long the committee was engaged when the formula was put together.
352	Marshall	Responds it was months.
363	Brian Reeder	Oregon Department of Education. Comments there have not been good studies to determine enough information to support or oppose the bill.
394	Chair Flores	Reads from the Education Interim Report (EXHIBIT E, Page 5) .

TAPE 68, B

011	Chair Flores	Requests Mr. Keller to form a workgroup with the Oregon Department of Education, the Oregon School Board and the Confederation of School Administrators to address HB 2650. Closes the public hearing on HB 2650 and opens the public hearing on HB 3169.
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HB 3169 – PUBLIC HEARING

025	Jim Keller	Committee Administrator. Explains HB 3169 and refers to the -1 amendment (EXHIBIT F) .
035	Vickie Chamberlain	Executive Director, Teachers Standards and Practices Commission (TSPC). Submits and explains the informational packet including a memorandum regarding reported abuse, TSPC statues relating to criminal convictions and the Division 20 standards for competent and ethical performance of Oregon educators (EXHIBIT G) .
137	Susan Nesbit	Investigator, TPSC.
140	Rep. Lim	Inquires about a false accusation against a teacher.
146	Chamberlain	

Responds about the investigation process for accusations and the protective policies for innocent teachers.

156	Rep. Farr	Inquires about the timeline to determine fault.
164	Nesbit	Explains the educator's contract for administrative leave during an investigation.
174	Chamberlain	Responds the criminal matter has to be resolved before re-employment.
186	Rep. Farr	Inquires about the timeframe for a criminal matter to be resolved and the unemployment for a teacher who is found innocent.
192	Chamberlain	Responds about the possibility. Explains the process for criminal conviction.
199	Rep. Farr	Inquire about the normal time to be resolved.
200	Nesbit	Responds the normal time is around 30 days.
203	Rep. Roblan	Inquires if they have suspended licenses for employees who have been found not guilty.
214	Chamberlain	Refers to statute 342.143 (EXHIBIT G) and explains the process of pursuing an investigation.
229	Rep. Dallum	Comments on the protection of children.
239	Chamberlain	Responds about the comparison of TSPC and the districts.
242	Rep. Roblan	Inquires if there are situation where teachers have been fired and it was not reported to TSPC.
252	Chamberlain	Responds yes, and explains the accountability for administrators.
257	Rep. March	Inquires about the reporting requirements and notification for child abuse.

274	Rep. Dallum	Responds about the requirements of an employee if they suspect child abuse. Clarifies the proposed legislation is asking an employee to report abuse from another employee.
284	Rep. Roblan	Comments on the requirement to notify the police. Comments the bill would be a separate requirement to notify the district and the police.
300	Chamberlain	Concurs. Responds the bill would put the requirement to report to both police and to the district in statute.
315	Chair Flores	Inquires if the Oregon Department of Education, TSPC and the school boards follow the same criteria for evaluating criminal convictions for employment.
326	Chamberlain	Responds no. Explains the different screening standards.
351	Chair Flores	Inquires if a conviction of assault is reviewed to determine if it was against a child or an adult.
360	Nesbit	Responds about the method of using fingerprint records and notes it is the basis for a criminal record. Comments on the lack of information regarding assault cases from a fingerprint record.
374	Chair Flores	Inquires if other state records are used.
381	Chamberlain	Responds they do not have access to other state fingerprint records. Responds about disclosure information and consequences for falsifying information. States they are required to submit fingerprints into the FBI.
415	Chair Flores	Inquires if the list is public record.
422	Chamberlain	Concurs. Responds she will submit the list to Mr. Keller.
432	Chair Flores	Inquires if TSPC believes it would be helpful if there were coordinated criteria amongst the entities.

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003	Nesbit	Responds the commission has the most access of information.
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006	Chair Flores	Inquires if administrators are qualified to evaluate applicants to prevent risk to students.
010	Chamberlain	Responds she thinks so. Responds there is the possibility of an incident between the time of issuing the license and the start of employment.
019	Chair Flores	Inquires if all school districts report to TSPC, as required.
024	Chamberlain	Responds not all.
026	Chair Flores	Inquires if individual schools conduct background checks.
028	Nesbit	Responds larger schools have a section of staff that performs background investigations.
032	Chair Flores	Inquires about the distinction between applicants in state and out-of state.
035	Nesbit	Responds about the communication with out-of-state colleagues regarding out-of-state applicants.
038	Chair Flores	Inquires if all school districts in Oregon have resources to identify sex abuse, physical abuse, predatory or assaultive behavior.
039	Nesbit	Responds the school districts do not have the resources.
059	Chair Flores	Inquires if there are other behaviors in the school districts in which should be addressed, such as alcohol and/or drug use.
063	Chamberlain	Responds she feels that the districts are doing well in regards to the other issues.
083	Chair Flores	Inquires about a recent case of sexual and child abuse by a teacher from the Salem/Keizer School District.
086	Nesbit	Responds the teacher is being prosecuted by the Marion County District Attorney.
090	Chair Flores	Inquires if there was concern while he was teaching.

092	Nesbit	Responds she does not have that information.
093	Rep. Roblan	Comments about the administrative role and the police role in regards to investigations and reporting.
138	Janvier Slick	Child Protective Services. Submits and reads prepared testimony in opposition of HB 3169 on behalf of Una Swanson (EXHIBIT H) .
159	Rep. Farr	Inquires if she would support the bill if it required the school district or school to keep a record of a report made.
168	Slick	Concurs.
172	Rep. Farr	Inquires what happens to the report.
176	Slick	Responds there are records kept on reports made and they hope that mandatory reporters keep records as well.
182	Rep. Farr	Comments about a record kept at the school the accusation or situation was made.
186	Rep. March	Comments on the reporting requirements for home schooled students.
205	Rep. Roblan	Asks if Ms. Slick sees notifying two people as a hindrance.
216	Slick	Responds about problematic situations.
229	Rep. Lim	Comments about the investigation process and the governing body thereof.
251	Rep. Dallum	Inquires about the number of instances of child abuse that comes from the school and of those instances, how many are reported by employees of the school.
258	Swanson	Responds it is significant.
267	Chair Flores	Reads prepared testimony from Julie McFarlane (EXHIBIT I, page 2) .

283	Chair Flores	Closes the public hearing on HB 3169 and opens the public hearing on HB 3183.
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HB 3183 – PUBLIC HEARING

285	Jim Keller	Committee Administrator. Explains HB 3183.
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290	John Marshall	Oregon School Board Association. Submits and explains prepared testimony in support of HB 3183 (EXHIBIT J).
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366	Ann Hanus	Director, Division of State Lands. Testifies in support of HB 3183.
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380	Rep. Lim	Inquires if the County Treasurer charges money to transfer money.
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387	Marshall	Responds no.
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391	Rep. March	Comments on the constitutional requirements of distribution.
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399	Hanus	Concurs.
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401	Marshall	Comments he has discussed the bill with County Treasurer, the Oregon Department of Education, the Governor's office and the Speaker's Office.
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TAPE 70, A

001	Chair Flores	Closes the public hearing on HB 3183 and adjourns the meeting at 3:01 p.m.
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EXHIBIT SUMMARY

- A. HB 2650, -1 amendment, staff, 2 pp
- B. HB 2650, prepared testimony, Rep. Gene Whisnant, 2 pp
- C. HB 2650, prepared testimony, Peter Tarzian, 6 pp
- D. HB 2650, chart, Kent Hunsaker, 3 pp
- E. HB 2650, report, staff, 11 pp

- F. HB 3169, -1 amendment, staff, 1 p**
- G. HB 3169, informational packet, Vickie Chamberlain, 18 pp**
- H. HB 3169, prepared testimony of Una Swanson, Janvier Slick, 2 pp**
- I. HB 3169, prepared testimony of Julie McFarlane, staff, 4 pp**
- J. HB 3183, prepared testimony, John Marshall, 4 pp**