

HOUSE COMMITTEE ON EDUCATION

April 01, 2005 Hearing Room E

1:00 P.M. Tapes 71 - 73

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 3151 – Public Hearing

HB 3168 – Public Hearing and Work Session

HB 3154 – Public Hearing

HB 2967 – 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
TAPE 71, A		
002	Chair Flores	Calls the meeting to order at 1:01 p.m. and opens the public hearing on HB 3151.

HB 3151 – PUBLIC HEARING

018	Jim Keller	Committee Administrator. Explains HB 3151.
020	Rep. Debi Farr	House District 14. Submits and reads from prepared testimony in support of HB 3151 (EXHIBIT A). Explains there is a priority to feed children due to hunger being a major impediment to learning.
064	Heidi Dupuis	Office of Finance and Administration, Child Nutrition Programs. Submits and explains the informational packet, which includes prepared testimony in neutral support of HB 3151 and income eligibility guideline and participation diagrams (EXHIBIT B). Describes the USDA operating regulations and the National School Lunch Program. Explains the participants in the National School Lunch Program on pages four through ten.
110	Joyce Droughty	Introduces herself and explains she is willing to answer questions.
115	Rep. March	Inquires about the number of students to qualify.
122	Rep. Farr	Responds in order for a school to break even under the guidelines, the schools need to have at least 120 students. Refers to (EXHIBIT B, page 10).
132	Rep. Roblan	Inquires if the bill requires schools to use the federal government programs or alternative lunch programs.
136	Rep. Farr	Responds that the way in which the bill is written, it requires schools to participate in the USDA program. Responds she is willing to amend the bill to state that if the school district can demonstrate that they are providing adequate nutrition through another source, they could be exempt.

143	Rep. Roblan	Inquires if there is prevailing evidence that having good nutrition precludes students from having problems later.
150	Dupuis	Responds there is research proving children who receive adequate nutrition perform better in school and promotes growth and development.
161	Chair Flores	Inquires how school districts not using the USDA program go about providing alternative nutrition programs.
166	Dupuis	Responds that community groups assist and prepares meals.
181	Suzie Johnston	Pleasant Hill School Board Member. Testifies in support of HB 3151 on her own behalf. States that feeding the students in her district has been an issue for a long time. Explains how the parents provide lunches for the elementary and junior high schools. Comments on the struggles for the volunteer driven lunch programs.
227	Chair Flores	Inquires who cooks and prepares the meals.
230	Johnston	Responds the parents do. Comments some of the money coming in goes to the office for food items. States there is only one volunteer to help in the junior high and high schools and notes that students also help. States the students who work in the kitchen have to obtain a food handlers' permit. Comments on the costs to provide the lunches.
338	Rep. Farr	Comments there are other school districts that also have no or little kitchen space to facilitate volunteer programs. Explains the costs to the districts and the reimbursements from the USDA program.
379	Dupuis	Oregon Department of Education. Responds about commodities offered and at what cost.
396	Rep. Farr	Inquires about the cash reimbursements.
400	Dupuis	Responds about the National School Lunch Programs.
422	Carla Sorter	Community Safety Net Program. Testifies in support of HB 3151.

TAPE 72, A

002	Sorter	Comments on the inadequacy of lunch programs and the benefits of good nutrition. Comments on the economic burden on the families in the Pleasant Hill district.
044	Rep. Farr	Inquires if the schools, who do not serve lunch, have supervised lunch hours. Inquires if the supervisors could distribute the lunches.
054	Sorter	Concurs.
060	Chair Flores	Closes the public hearing on HB 3151 and opens the public hearing on HB 3168.

HB 3168 – PUBLIC HEARING

065	Jim Keller	Committee Administrator. Explains HB 3168.
070	Nancy Latini	Assistant Superintendent, Office of Learning and Partnerships. Submits and reads from prepared testimony in support of HB 3168 (EXHIBIT C) .
094	Rep. March	Inquires about the foster children being wards of the state.
097	Latini	Responds some foster children are wards of the states, some are not.
101	Rep. Roblan	Inquires about meeting the requirements.
103	Latini	Responds about the annual performance review submitted to the federal government to prove alignment.
112	Rep. Roblan	Comments on the non – compliance issues.
116	Latini	Explains the conditional approval.
122	Bob Joondeph	Oregon Advocacy Center. Testifies in neutral support of HB 3168. Requests that the committee consider the federal law as a floor, not a ceiling for services provided to children with disabilities.

150 Chair Flores Closes the public hearing on HB 3168 and opens a work session on HB 3168.

HB 3168 – WORK SESSION

152 Rep. March **MOTION: Moves HB 3168 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

155 **VOTE: 4-0-3**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 3 - Dallum, Farr, Lim

Chair Flores The motion CARRIES.

159 Chair Flores Closes the work session on HB 3168 and opens the public hearing on HB 3154.

HB 3154 – PUBLIC HEARING

175 Jim Keller Committee Administrator. Explains HB 3154.

183 Rep. Linda Flores House District 51. Explains concerns from constituents.

202 Vice-Chair March Inquires if the constituent was concerned about a situation in Oregon.

209 Rep. Flores Responds the concern came from Colorado.

214 Benjamin Rawlins General Council, Oregon University System. Testifies to provide background information in regards to the language of the bill. Comments the level of concern is with the administrative rules. Provides examples of the administrative rules concerning termination and reasons thereof. Describes the reasons why the authorization exists. Notes the regulated area of respect is academic freedom, with reasonable reason.

295 Rep. March Inquires about the process of notification and explanation of actions.

303 Rawlins

Responds the notification by the supervisor will usually lead to discussion. Notes it is possible to be called to a higher body.

- 311 Chair Flores Inquires within the context of academic freedom is inflammatory speech defined.
- 319 Rawlins Responds the regulations have not evolved to that level of specificity and is approached on a case-by-case basis.
- 327 Chair Flores Inquires if there are internal regulations addressing misrepresentation of credentials and plagiarism.
- 331 Rawlins Concurs.
- 341 Rep. Roblan Inquires if relationships between students and faculty members are also regulated.
- 345 Rawlins Concurs.
- 348 Rep. Shields Comments on the situation in Colorado.
- 360 Chair Flores Responds to Rep. Shields comment. Closes the public hearing on HB 3154 and opens a public hearing on HB 2967 as a sub-committee.

HB 2967 – PUBLIC HEARING

- 366 Jim Keller Committee Administrator. Explains HB 2967.
- 382 David McDonald Submits and reads from prepared testimony (**EXHIBIT D**). Expresses that the Oregon University System requests an opportunity to discuss potential impacts and implementation of the bill.
- 423 Rep. March Inquires about the potential impacts noted.
- 430 McDonald Responds the major concern is that publishers will not be able to provide material as stated in the bill.

TAPE 71, B

002	Melanie Gangle	Office of Students with Disabilities, University of Portland. Submits and reads from prepared testimony (EXHIBIT E) in support of HB 2967. Comments on the cost effectiveness and the resources in which would be provided to students with disabilities.
040	Clark Hochstetler	Submits and reads from prepared testimony (EXHIBIT F) in support of HB 2967. Explains the growth of students with disabilities. Describes the effects of limited resources on students with disabilities.
077	Bob Joondeph	Oregon Advocacy Center. Submits and reads from prepared testimony (EXHIBIT G) in support of HB 2967. Explains the states with similar bills. Comments there will be plenty of textbooks available.
120	Ted Wenk	Oregon Advocacy Center. Submits prepared testimony from Nancy Hart (EXHIBIT H) in support of HB 2967. Explains the systems in place to ensure the copyright is protected and that the students receive the resources.
143	Rep. March	Inquires about the contact with publishers.
148	Joondeph	Responds they stand ready to work with the publishers.
153	Marc Zulton	Legislative Affairs Director, Bureau of Labor and Industries. Submits and reads prepared testimony on behalf of Dan Gardner (EXHIBIT I) in neutral support of HB 2967.
215	Jim Gardner	Association of American Publishers. Testifies in opposition of HB 2967. Comments the bill would force publishers to increase the price of resources. Comments Oregon's Office of Disabled Students rarely ask for the materials because they do not have the resources to use the materials. States the bill is commingled with legal issues. States the Association of American Publishers are working with advocates for the disabled to develop federal legislation that will meet the goals addressed in HB 2967.
327	Rep. March	Requests a copy of the proposal. Inquires if having some of the bills with an effective date of 2008, would add heat to ensure the publishers move forward.
352	Gardner	Responds he will provide the information.

- 366 Rep. Roblan Inquires if the other states have requested the same formats for information.
- 374 Gardner Responds he will provide the information.
- 400 Nathan Jimenez Submits and reads from prepared testimony **(EXHIBIT J)** in support of HB 2967. Comments on the essential resources the disabled need to have in order to keep up with a decent livable life.

TAPE 72, B

- 039 Celyn Brown Student, Portland State University. Testifies in support of HB 2967. Comments she has had to scan every text book in order to keep up with studies. Explains the time she has spent trying to make her textbooks accessible due to her sight disability. Comments on the difficulties on finding up-to-date versions of the textbooks she needs on cassette tapes, rather than having to scan her books.
- 087 Michael Levine Submits and reads from prepared testimony **(EXHIBIT K)** in support of HB 2967. Comments people have every right for an equal opportunity for education.
- 113 Rep. March Inquires about the percentage of books on tape.
- 117 Brown Responds that in the last eight years of school, she has had less than ten books on tape, the rest she has had to scan herself. States she does not have the time to scan due to her work schedule. States the Disabilities Office scans her textbooks, but she does not have the textbooks when she needs them for class.
- 174 Gardner Clarifies the federal legislation will create a uniform set of standards.
- 185 Rep. March Inquires what formats Ms. Brown has found helpful.
- 195 Brown Responds the text that is scanned is put into Word, a program will read it or is put into a brail display.
- 215 Jim Jackson Student, Portland State University. Testifies in support of HB 2967. Explains the difficulties of not having the resources available.
- 269 Kevin O'Reilly

Representing the Oregon Disabilities Commission. Submits and reads from prepared testimony on behalf of Danielle Knight (**EXHIBIT L**) in support of HB 2967. Notes that the opportunity to obtain textbooks in electronic format can save considerable amounts of money and time for post-secondary institutions that currently must provide texts in Braille or on audiotape.

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| 324 | Rep. Farr | Inquires about the typical cost of a college textbook. |
| 329 | Jackson | Responds \$68.00. |
| 332 | Rep. Farr | Comments it could be an alternative method. |
| 345 | Molly Sirois | Springfield Oregon. Testifies in support of HB 2967. Describes the hardships for disabled students to access information in textbooks that are not in an accessible format for them. Comments on her experience with disabled students. |

TAPE 73, A

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| 014 | Rep. March | Comments the bill has positive features and needs some subsequent work. |
| 029 | Lyn Lodge | Eugene, OR. Testifies to provide in information in regards to HB 2967. Provides the percentages of students who qualify for formatted textbooks due to disabilities. |
| 063 | Chair Flores | Closes the public hearing on HB 2967 and adjourns the meeting at 3:08 p.m. |

EXHIBIT SUMMARY

- A. **HB 3151, prepared testimony, Rep. Debi Farr, 2 pp**
- B. **HB 3151, informational packet, Heidi Dupuis, 10 pp**
- C. **HB 3168, prepared testimony, Nancy Latini, 4 pp**
- D. **HB 2967, prepared testimony, David McDonald, 1 p**
- E. **HB 2967, prepared testimony, Melanie Gangle, 3 pp**
- F. **HB 2967, prepared testimony, Clark Hochstetler, 1 p**

- G. HB 2967, prepared testimony, Bob Joondeph, 1 p**
- H. HB 2967, prepared testimony of Nancy Hart, Ted Wenk, 1 p**
 - I. HB 2967, prepared testimony of Dan Gardner, Marc Zulton, 2 pp**
 - J. HB 2967, prepared testimony, Nathan Jimenez, 2 pp**
- K. HB 2967, prepared testimony, Michael Levine, 3 pp**
- L. HB 2967, prepared testimony of Danielle Knight, 2 pp**