

HOUSE COMMITTEE ON EDUCATION

April 18, 2005 Hearing Room E

1:00 P.M. Tapes 86 - 87

MEMBERS PRESENT: Rep. Linda Flores, Chair

Rep. John Dallum, Vice-Chair

Rep. Steve March, Vice-Chair

Rep. Debi Farr

Rep. Arnie Roblan

Rep. Chip Shields

MEMBER EXCUSED: Rep. John Lim

STAFF PRESENT: Jim Keller, Committee Administrator

Kellie Whiting, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2070 – Work Session

HB 3151 – Public Hearing and Work Session

HB 3165 – 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 86, A

002	Chair Flores	Calls the meeting to order at 1:16 p.m. Opens a work session on HB 2070.
-----	--------------	--

HB 2070 – WORK SESSION

010	Jim Keller	Committee Administrator. Explains HB 2070. Introduces the -1 amendments (EXHIBIT A).
020	Rep. Tom Butler	House District 60. Explains the -1 amendments.
035	Susan Harris	Legal Specialist, Oregon Department of Education. Explains her concern with the -1 amendments.
057	Chair Flores	Inquires if Ms. Harris's concern is with the -1 amendments, or the bill overall.
060	Harris	Clarifies the concern is with the provision within the -1 amendments.
068	Rep. Dallum	Inquires about the state funding for students who travel to another school in need of additional services.
070	Rep. Butler	Responds students with special needs have moved to other schools in which will provide needed services and the funds do not follow.
84	Rep. Dallum	Inquires about the additional funds.
089	Harris	Responds there is an additional procedure to receive additional funds exceeding the eleven percent cap.
090	Rep. Dallum	Clarifies about the reasons for which a student may choose another school.
107	Harris	

Notes the bill creates a school choice system. Responds she is troubled over the ambiguities the bill creates for special education in particular.

114	Rep. March	Expresses concern of the language of the bill.
127	Rep. Butler	Comments about the concern over students who could be better served by another district. Notes the services are critical in small counties.
157	Rep. Roblan	Expresses concern over the definition of better served.
172	Rep. Butler	Responds about the basic funding for students. Comments on the opportunity to assess and evaluate the student in the exiting school and the entering school.
204	Rep. Dallum	Comments on the responsibility and resources for the school in which can better serve the student.
224	Chair Flores	Clarifies that Harper School is a boarding school in which focuses on special needs.
227	Rep. Butler	Concurs. Comments on the possibility of -2 amendments addressing the smaller schools.
251	Chair Flores	Responds about the -2 amendments addressing the concerns.
261	Rep. Butler	Comments the desire is to keep students with special needs in the best environment where the schools will better meet their needs.
271	Chair Flores	Closes the work session on HB 2070 and opens the public hearing on HB 3151.

HB 3151 – PUBLIC HEARING

280	Jim Keller	Explains HB 3151. Submits the -2 amendments (EXHIBIT B) and the letter to Speaker Minnis, rescinding the subsequent referral to Ways and Means (EXHIBIT C) . Submits the fiscal analysis of HB 3151 (EXHIBIT D) .
-----	------------	--

300	Rep. Debi Farr	House District 14. Explains HB 3151. Provides background of the districts affected by the HB 3151. Explains the positive influences food and nutrition has on academics.
377	Rep. Dallum	Inquires about the schools participating.
381	Rep. Farr	Responds about the schools participating and the enrollment requirements.
393	Rep. Dallum	Inquires about the legislation for only four schools.
395	Rep. Farr	Responds that there are hungry students.
400	Rep. Dallum	Inquires if the local school boards have addressed the issue.
403	Rep. Farr	Responds about the lunch programs within the different school districts.

TAPE 87, A

002	Steve Waddell	Superintendent, Pleasant School District.
004	Rep. Dallum	Inquires what the legislation does that the local school board does not.
006	Waddell	Responds the community decided not to offer a free and reduced lunch program. Explains the volunteer programs and the issues around reimbursements.
033	Rep. Farr	Responds about the lack of kitchens and the outdated kitchens within the schools.
037	Rep. Dallum	Inquires if the issue is being addressed locally.
038	Waddell	Concurs.
040	Rep. Roblan	Inquires how many schools are not providing lunches.
042	Rep. Farr	Responds about two school districts and the enrollment requirements.

066	David Williams	Oregon School Boards Association. Comments the association supports the -2 amendments.
079	Chair Flores	Inquires about the requirements and criteria for free and reduced lunch eligibility.
084	Cindy Hunt	Senior Deputy, Legislative Council.
100	Heidi Dupuis	Department of Education, Child Nutrition Programs. Explains the data reflects a group of four schools that would meet the requirements for free and reduced lunches and do not participate.
115	Rep. Dallum	Inquires why the schools do not participate.
117	Dupuis	Responds some of the schools do not have the kitchen facilities or are in remote areas with difficulties receiving resources.
130	Rep. Dallum	Inquires if the local school boards have addressed the issues.
135	Dupuis	Responds about the assistance.
140	Rep. Dallum	Inquires if the schools could participate in the program without legislation.
142	Dupuis	Concurs.
145	Rep. Farr	Inquires if the Oregon Department of Education could work with the school districts to contract the service out, if they could not facilitate a kitchen.
147	Dupuis	Responds the department can help contract out and will work to explore and to exhaust all possibilities.
164	Rep. Farr	Inquires if the department can identify students in a certain population, who need nutritional assistance.
164	Dupuis	Concurs. Explains the assistance for school districts in regards to purchasing and catering.
168	Rep. Farr	

		Inquires if the superintendents could identify students with nutritional needs.
170	Dupuis	Responds that the food insecure families work hard to look like everyone else. Responds the teachers would be the best indicators of students with a lack of nutritional needs.
180	Rep. Farr	Inquires if students who participate in the free milk programs also meet the income guidelines to qualify in the free or reduced lunch programs.
182	Dupuis	Concurs and states the guidelines are the same.
191	Chair Flores	Inquires about the undetermined fiscal impact on local education agencies.
195	Dupuis	Responds about the percentages of schools meeting and not meeting the requirements. Notes a perfect management package is difficult to determine.
220	Chair Flores	Closes the public hearing on HB 3151 and opens a work session on HB 3151.

HB 3151 – WORK SESSION

226	Rep. Dallum	MOTION: Moves to ADOPT HB 3151-2 amendments dated 4/12/05.
229		VOTE: 6-0-1 EXCUSED: 1- Lim
	Chair Flores	Hearing no objection, declares the motion CARRIED.
230	Rep. Dallum	MOTION: Moves HB 3151 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
239		VOTE: 6-0-1

EXCUSED: 1 - Lim

Chair Flores

The motion CARRIES.

REP. FARR will lead discussion on the floor.

250 Chair Flores Closes the work session on HB 3151 and opens the public hearing on HB 3165.

HB 3165 – PUBLIC HEARING

263 Brian Reeder Oregon Department of Education. Submits and reads from prepared testimony **(EXHIBIT E)** in neutral support of HB 3165.

333 Laurie Wimmer-Whelan Oregon Education Association. Submits and reads from prepared testimony **(EXHIBIT F)** in opposition of HB 3165. Describes the reasons the Oregon Education Association opposes HB 3165. States the bill seems to violate the purpose the Quality Education Model (QEM) as a tool.

TAPE 86, B

008 Rep. Roblan Comments the bill relinquishes the standards of Oregon to the federal government.

012 Wimmer-Whelan Believes it to be true for the calculating of costs.

014 Rep. March Inquires if the No Child Left Behind (NCLB) Act covers all Oregon Schools.

016 Reeder Responds he believes the Act covers all public schools. Clarifies the law applies to all schools and there are certain sanctions that apply to Title I schools.

023 Rep. Roblan Clarifies the sanctions apply currently to all Title I schools, and over time they apply to all schools.

029 Wimmer-Whelan Clarifies the different sanctions.

033 Chair Flores

Clarifies that their testimony asserts that it is virtually impossible for the Quality Education Model to overlay, reflect and evaluate the impact of the NCLB or incorporate into the NCLB Act.

038	Wimmer-Whelan	Clarifies her testimony.
041	Reeder	Concurs with Chair Flores' interpretation of his testimony. Explains the difficulties of forecasting the costs.
056	Chair Flores	Inquires about the incorporating the capitol construction costs.
065	Reeder	Responds.
066	Rep. Roblan	Inquires if the identifying the at-risk students is difficult.
070	Reeder	Concurs.
087	Chair Flores	Refers to the Interim Education Report (EXHIBIT G). Inquires about the QEM considerations that could be changed as opposed to leaving it the same, and adding the NCLB requirements.
100	Reeder	Clarifies the Quality Education Commission tries to bring in the best research available. Comments a new approach is not best practices. Asks for clarification.
121	Chair Flores	Comments on the possibilities of redundancies with what the State of Oregon is doing and the requirements of NCLB.
125	Reeder	Clarifies that the NCLB asks for standards, not practices.
130	Chair Flores	Clarifies the standards have been approved by the federal government.
135	Reeder	Concurs.
1398	Rep. Dallum	Clarifies that the legislature asked for standards to be set and the standards were set and designed by educators and stakeholders.
145	Rep. Roblan	

Comments the initial Educational Act came from the legislature and had standards embedded in, the embellishment of how to meet those standards were designed by the stakeholders and educators.

153	Rep. Dallum	Inquires what the State's expectation is in regards to the number of high school students meeting state standards.
163	Reeder	Responds he does not think the state has an official expectation.
172	Wimmer-Whelan	Comments about the no-unfunded mandates and asserts that if the legislature is unable to provide resources to bring all students to standard, the numbers of those students who meet standards are those the number will buy.
180	Rep. Roblan	Clarifies the model was developed as a continuing model. Comments about the mathematical aspect of the model and the allocation of resources.
137	Reeder	Explains the arguments about different subject areas. Concurs about the calculus.
220	Rep. March	Comments about the class size.
236	Reeder	Responds the cost savings are unknown.
253	Rep. Farr	Inquires about Oregon Revised Statute 329.025. Comments on the implementation costs.
268	Wimmer-Whelan	Responds about the factors to determine school funding.
272	Chair Flores	Closes the public hearing on HB 3165 and adjourns the meeting at 2:36 p.m.

EXHIBIT SUMMARY

A. HB 2070, -1 amendments, staff, 2 pp

- B. HB 3151, -2 amendments, staff, 1 p**
- C. HB 3151, letter, staff, 1 p**
- D. HB 3151, fiscal analysis, staff, 1 p**
- E. HB 3165, prepared testimony, Brian Reeder, 1 p**
- F. HB 3165, prepared testimony, Laurie Wimmer-Whelan, 4 pp**
- G. HB 3165, Interim Education Report, staff, 6 pp**