

HOUSE COMMITTEE ON EDUCATION

June 3, 2005 Hearing Room E

1:00 P.M. Tapes 122 – 123

Corrected 10/10/2005

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:

SB 52A – Work Session

SB 342A – Work Session

SB 167A – Public Hearing and Work Session

HB 3075 – Work Session

SB 383 – Public Hearing and Work Session

SB 747A – Public Hearing and Work Session

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 122, A

002	Chair Flores	Calls the meeting to order at 1:00 p.m. and opens the work session SB 52A.
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SB 52A -WORK SESSION

038	Jim Keller	Committee Administrator. Explains SB 52A.
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040	Vickie Chamberlain	Executive Director, Teachers Standards and Practices Commission (TSPC). Submits and refers to the informational packet, which includes the Oregon Revised Statutes regarding suspension of teacher's licenses, the cost analysis of agencies, and the chart explaining TSPC orders for failure to give 60-day notice (EXHIBIT A). Explains the hearing and appeal process for suspension of educator's licenses, for failure to give a 60-day notice for resignation. States the bill allows TSPC to hear the case.
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085	Rep. Dallum	Inquires about the reason to move the hearing process to an administrative hearing.
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089	Chamberlain	Responds that persons felt it was not an objective hearing if the officer was being paid directly from the agency, so they created an office and moved all the disciplinary and administrative rules hearings to the Office of Administrative Hearings.
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104	Rep. Roblan	Inquires if TSPC has taken action on the license, it can be appealed and the license can be reinstated by the court of appeals.
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108	Chamberlain	Explains the process for appeal.
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124	Rep. Roblan	Comments on the language of SB 52 and SB 48.
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129	Rep. Dallum	Clarifies the authority would be for TSPC to remove the licenses.
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133	Chamberlain	Concurs.
139	Rep. Lim	Inquires about (EXHIBIT A, page 3) .
143	Chamberlain	Responds about the order of reports.
159	Rep. Lim	Inquires about the income while suspended.
158	Chamberlain	Responds about the cases in which are suspended and the effects of suspension.
172	Rep. Dallum	MOTION: Moves SB 52A to the floor with a DO PASS recommendation.
184		VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Flores	The motion CARRIES.
		REP. LIM will lead discussion on the floor.
185	Chair Flores	Closes the work session on SB 52A and opens a work session on SB 342A.

SB 342A – WORK SESSION

190	Jim Keller	Explains SB 342A. Explains the -4 amendments (EXHIBIT B) .
212	Rep. Dallum	MOTION: Moves to ADOPT SB 342A-4 amendments dated 6/2/05.
217		VOTE: 7-0-0
	Chair Flores	Hearing no objection, declares the motion CARRIED.
220	Rep. Dallum	MOTION: Moves SB 342A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Budget by prior reference.

230

VOTE: 7-0-0

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

Chair Flores

The motion CARRIES.

236

Chair Flores

Closes the work session SB 342A and opens a public hearing on SB 167A.

SB 167A – PUBLIC HEARING

260

Nancy Latini

Assistant Superintendent of the Office of Student Learning and Partnerships, Oregon Department of Education (ODE). Submits and refers to prepared testimony in neutral support of SB 167A **(EXHIBIT C)**. Explains that the bill proposes to add the disability of traumatic brain injury to the list of disabilities that qualify for regional program services in special education.

295

Dr. Claudia Clark

Director of Special Services, Cascade School District. Testifies in support of SB 167A. Comments on the effects of traumatic brain injuries on children. Provides the number of students with traumatic brain injury students and notes they are few.

342

Rep. Dallum

Inquires about the regional concept.

347

Clark

Concurs.

349

Rep. Dallum

Clarifies the regional concept includes occupational therapy.

354

Rep. Roblan

Refers to **(EXHIBIT C)** and comments on the expertise needed on a regional basis.

367

Latini

Responds about the specialty areas needed.

386

Rep. Farr

Inquires how the services would be provided.

393

Latini

Responds about the Education Service Districts (ESD).

409

Rep. Lim

Inquires about the costs to provide the services.

416	Latini	Responds about the identification of the students and the costs savings.
426	Rep. Lim	Inquires about the students being able to live independently as an adult.
430	Latini	Responds that is always the hope and explains the education plans for the students with disabilities.
442	Rep. Dallum	Inquires how the services would be provided in rural areas.

TAPE 123, A

003	Latini	Responds about the individual education plan for the students, the contact and commitment from the regional services for needed services and the connection with the students.
006	Rep. Dallum	Inquires about the type of contact after the planning process.
020	Latini	Explains the process, the monitoring and therapy services.
033	Rep. Dallum	Inquires how the traumatic brain injury students are receiving care currently.
034	Latini	Responds.
040	Rep. Dallum	Clarifies the issues the bill addresses is a higher level of proficiency from the practitioner, a continual contract and availability.
053	Rep. Roblan	Comments on the examples from his schools and the process within the schools. Comments on the expectations for the injuries.
074	Rep. Dallum	Inquires if it will be more cost effective than contracting for services around the state.
075	Latini	Concurs.

079	Chair Flores	Inquires about the amount of instances of traumatic brain injury within the state.
080	Latini	Responds in 2004 there were close to 291 students.
084	Chair Flores	Inquires about the re-direction of funds to accommodate the services.
087	Latini	Responds they are all federal funds and explains the choice for the districts.
092	Rep. Roblan	Inquires if the funds cover all the costs to serve the students.
094	Latini	Responds.
099	Rep. Dallum	Inquires about the shortfall of funds.
101	Latini	Responds about the weighted costs for students.
102	Rep. Dallum	Inquires about the regional concept funding.
110	Latini	Responds about the contract with Oregon University.
114	Rep. Roblan	Comments on the type of injuries and the causes.
123	Chair Flores	Closes the public hearing on SB 167A and opens a work session on SB 167A.

SB 167A – WORK SESSION

125	Rep. Dallum	MOTION: Moves SB 167A to the floor with a DO PASS recommendation.
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128		VOTE: 7-0-0
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AYE: In a roll call vote, all members present vote Aye.

	Chair Flores	The motion CARRIES.
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REP. DALLUM, REP. ROBLAN will lead discussion on the floor.

143	Chair Flores	Closes the work session on HB 167A and opens a work session on HB 3075.
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HB 3075 – WORK SESSION

149	Jim Keller	Committee Administrator. Refers to the - 2 amendments (EXHIBIT D) . Explains that there will be -3 amendments presented shortly.
168	Angela Sherbeau	Juvenile Rights Attorney. Testifies in support of HB 3075 with the -3 amendments (EXHIBIT E) .
170	Kevin George	Foster Care Manager, Department of Human Services. Testifies in support of HB 3075 with the -3 amendments.
171	Brain Baker	Attorney, Juvenile Rights Project. Testifies in support of HB 3075 with the -3 amendments.
217	Rep. Roblan	Comments on the collaboration of efforts to determine the best interests of the student and the suitable school for the student.
220	Baker	Responds about the structure to include all parties working with the child.
234	Rep. Dallum	Asks for the number of times in a school year, a situation involving placement of child in a school district would need adjudication.
239	Baker	Responds it is difficult to determine the amount. Explains the data in which reflects school moves.
273	Sherbeau	Addresses the questions in regards to the determination of a child's best interests.
299	Rep. Dallum	Inquires if the schools are represented in determining the best interests of a child.
306	Sherbeau	Responds the interests of the schools, in which is conveyed through the parties, will absolutely be represented.
316	Rep. Dallum	

Expresses that if the question is determining the best interests of a student and if the student should stay or move to a different school, the best answer would come from a teacher or a representative of the school. Comments on the relationship between the students and their teachers.

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| 327 | Sherbeau | Responds there is nothing that will prevent teachers, administrators, or special education providers to be involved in the determination of the best interests of a student. |
| 352 | Rep. Farr | Inquires about the true purpose of the bill. |
| 358 | Sherbeau | Responds about the children in foster care. Provides examples of students spilt between school districts. |
| 419 | Rep. Farr | Comments that the bill is to assist foster children. |

TAPE 122, B

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| 002 | George | Responds about the support of foster families, the connection between students, teachers and peers and the opportunity to keep the connection. |
| 040 | Rep. Lim | Inquires about the transportation requirement for the public agency. |
| 048 | George | Responds about the agencies' responsibilities for placement and transportation. |
| 066 | Rep. Lim | Inquires about the requirement. |
| 072 | Sherbeau | Responds about the language to relieve the school districts to be obligated to transport the student, and notes the requirements in no way prevents the foster parent from transporting the student to school. |
| 089 | Rep. Lim | Inquires if the foster parents are being compensated for providing transportation. |
| 095 | Sherbeau | Responds that the bill permits compensation to the foster parents and explains the administrative rules regarding the compensation rates. |

098	Cindy Hunt	Senior Deputy, Legislative Council. Explains the -3 amendments to HB 3075 (EXHIBIT E).
116	Chair Flores	Inquires if the -2 amendments are combined with the -3 amendments.
123	Hunt	Clarifies the -3 amendments include the -2 amendments. Explains the -2 (EXHIBIT D) and -3 amendments (EXHIBIT E) in detail. Speaks to the transportation issues within the amendments.
156	Chair Flores	Clarifies the language in regards to public and private agencies and the narrowing of time and delivery of records.
178	Rep. Dallum	Inquires if there is a limit of time for the transfer of records of a non-foster student.
183	Hunt	Responds ten days. Responds if the records are not received in five days, there are avenues for the foster parent to take for compliance.
202	Doug Barber	Oregon Alliance of Children's Programs. Testifies in support of HB 3075 with the -3 amendments.
220	Rep. March	MOTION: Moves to ADOPT HB 3075-3 amendments dated 6/3/05.
225		VOTE: 7-0-0
	Chair Flores	Hearing no objection, declares the motion CARRIED.
227	Rep. March	MOTION: Moves HB 3075 to the floor with a DO PASS AS AMENDED recommendation.
230	Rep. Lim	Speaks to the costs.
235	Rep. March	Responds to the concerns.
248	Rep. Dallum	Expresses support.
260		VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye.

Chair Flores

The motion CARRIES.

REP. MARCH and REP. FARR will lead discussion on the floor.

265 Chair Flores Closes the work session on HB 3075 and opens a public hearing on SB 383.

SB 383 – PUBLIC HEARING

272 Jim Keller Explains SB 383. Refers to the -1 amendment **(EXHIBIT F)**.

289 Senator Ryan Deckert Senate District 14. Submits prepared testimony in support of SB 383 **(EXHIBIT G)**. States there should be alternatives to dissection of animals in school.

316 Lauren Ireland Moore Student. Submits and refers to prepared testimony in support of SB 383 **(EXHIBIT H)**. Speaks to her own experience in school in regards to choosing not to dissect an animal.

348 Paula Rea-Wilson Testifies in support of SB 383. Speaks to her son's experience in school in regards to dissection and alternatives to dissection of animals.

420 Rep. Farr Comments on the concerns and alternatives.

430 Rep. Roblan Comments on the teacher's decision on alternatives.

TAPE 123, B

010 Moore Comments on the challenges of facing the concerns with the teachers.

020 Rep. Lim Inquires what happens if the parents do not want the students to participate, but the student wants to.

030 Sen. Deckert Responds he is unsure.

034 Rep. Roblan Responds about the communication with the parents to come to a conclusion.

053	Jim Keller	Refers to line 21 and clarifies.
060	Rep. Lim	Comments there is an equal right to object and agree to participation and inquires about the cost to notify.
073	Sen. Deckert	Responds about narrowing down of biology courses.
083	John Marshall	Oregon School Board Association. Speaks to Rep. Lim's concern about participation, objection and the courses affected.
104	Rep. Dallum	Inquires if notification can be included within a syllabus and course description.
110	Marshall	Concurs.

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

	Rep. Betty Komp	Submits prepared testimony in support of SB 747A (EXHIBIT K).
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113	Chair Flores	Closes the public hearing on SB 383 and opens a work session on SB 383.
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SB 383 – WORK SESSION

117	Rep. Dallum	MOTION: Moves to ADOPT SB 383-1 amendments dated 3/11/05.
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120		VOTE: 7-0-0
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	Chair Flores	Hearing no objection, declares the motion CARRIED.
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122	Rep. Dallum	MOTION: Moves SB 383 to the floor with a DO PASS AS AMENDED recommendation.
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125		VOTE: 7-0-0
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AYE: In a roll call vote, all members present vote Aye.

	Chair Flores	The motion CARRIES.
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REP. ROBLAN will lead discussion on the floor.

135 Chair Flores Closes the work session on SB 383 and opens a public hearing on SB 747A.

SB 747A – PUBLIC HEARING

140 Jim Keller Committee Administrator. Explains SB 747A and refers to the –A3 amendments **(EXHIBIT I)**.

140 Sen. Deckert Submits and reads from prepared testimony in support of SB 747A with the -3 amendments **(EXHIBIT J)**.

199 Lisa Zavala Oregon University Systems (OUS). Testifies in neutral support of SB 747A.

236 Chair Flores Requests clarification on what would be embodied for analysis that the state board of higher education cannot already do.

250 Sen. Deckert Responds about the expanding and declining enrollments and the difficulties for the OUS. Comments on the legislative involvement.

293 Zavala Concurs about the external pressure on the higher education community and the relief from the external and internal pressure.

304 Chair Flores Closes the public hearing on SB 747A and opens a work session on SB 747A.

SB 747A – WORK SESSION

314 Zavala Explains the -3 amendments **(EXHIBIT J)** and the scope of the planning and analysis.

338 Rep. Lim Inquires when they are considering the structure, if there is an intention to study the merging issues.

344 Zavala Responds they do not have in that level of detail, what the state board will be studying. States the issues and proposals may or may not come out of the study conducted.

352	Chair Flores	Inquires about lines 17-19 of the -3 amendments and maintaining the individual universities.
367	Zavala	Responds about the conversations and analysis in which could be discussed and studied.
381	Rep. Dallum	MOTION: Moves to ADOPT SB 747A-3 amendments dated 5/27/05.
385		VOTE: 7-0-0
	Chair Flores	Hearing no objection, declares the motion CARRIED.
390	Rep. Dallum	MOTION: Moves SB 747A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.
395		VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Flores	The motion CARRIES.
429	Chair Flores	Closes the work session on SB 747A and adjourns the meeting at 3:06 p.m.

EXHIBIT SUMMARY

- A. SB 52A, informational packet, Vickie Chamberlain, 3 pp
- B. SB 342A, -4 amendments, staff, 1 p
- C. SB 167A, prepared testimony, Nancy Latini, 2 pp
- D. HB 3075, -2 amendments, staff, 5 pp
- E. HB 3075, -3 amendments, staff, 5 pp
- F. SB 383, -1 amendments, staff, 1 p
- G. SB 383, prepared testimony, Sen. Ryan Deckert, 1 p
- H. SB 383, prepared testimony, Lauren Ireland Moore, 2 pp
- I. SB 747A, -3 amendments, staff, 1 p

- J. **SB 747A, prepared testimony, Sen. Ryan Deckert, 1 p**
- K. **SB 383, prepared testimony, Rep. Betty Komp, 1 p**