

SENATE COMMITTEE ON EDUCATION AND WORKFORCE

April 06, 2005
3:00 P.M.

Hearing Room D
Tapes 70 - 73

MEMBERS PRESENT: Sen. Vicki Walker, Chair
Sen. Charles Starr, Vice-Chair
Sen. Ryan Deckert
Sen. Jeff Kruse
Sen. Bill Morrisette

STAFF PRESENT: Marjorie Taylor, Committee Administrator
Dawn Tusio, Committee Assistant

MEASURES/ISSUES HEARD:
SB 416 – Public Hearing
SB 300 – Public Hearing and Work Session
SB 637 – Public Hearing and Work Session
SB 643 – Public Hearing and Work Session
SB 747 – Public Hearing and Work Session
SB 769 – Work Session
SB 748 – Work Session
SB 766 – Work Session
SB 342 – Public Hearing and Work Session
SB 684 – 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 70, A		
005	Chair Walker	Calls meeting to order at 3:10 p.m. and opens a public hearing on SB 416.
SB 416 – PUBLIC HEARING		
023	Marjorie Taylor	Committee Administrator. Gives overview of SB 416. Mentions the -1 amendments (EXHIBIT A) and the -2 amendments (EXHIBIT B). Mentions email correspondence submitted for the record without public testimony from Tex Winter (EXHIBIT C).
032	Sen. Rick Metsger	Represents Senate District 26. Testifies in support of SB 416.
106	Chair Walker	Appreciates that Sen. Metsger recognizes that the problem does not rest with Oregon State University (OSU) alone.
115	Sen. Metsger	Responds to comment.
122	Chair Walker	Agrees with comment. Reiterates that it was purely coincidental that SB 416 was scheduled on OSU day at the capitol. Asks Sen. Metsger if he would agree that it took the support of the fans and community members to help turn the Portland Trailblazers around.
133	Sen. Metsger	Replies yes.
141	Chair Walker	Comments on proper conduct and acting as leaders.
153	Mike Riley	Oregon State University Football Coach. Introduces himself.
156	Bob De Carolis	Director of Athletics, Oregon State University. Testifies on SB 416. Submits informational packet including written testimony, disciplinary actions, and rules (EXHIBIT D).
221	Chair Walker	Asks if a student has to go through some sort of programming when they are charged with an offense under the code of conduct.
225	De Carolis	Responds yes.
227	Chair Walker	Asks if the athletics department has had a code of conduct in the past.
230	De Carolis	Explains.
243	Sen. Morrisette	Comments on the importance of how situations are handled. Feels that Mike Riley has handled the situations that have occurred very well.
256	Chair Walker	Expresses concern regarding the disciplinary actions. Feels that they are not strong enough. Reports that OSU is going to make some additional changes to the disciplinary actions. Explains changes that will be made.
269	Riley	Responds to Sen. Walker's comments. Testifies on SB 416.

352	Chair Walker	Comments on Riley's testimony.
392	Sen. Kruse	Responds to comments.
TAPE 71, A		
004	Chair Walker	Expresses concern with specific offenses that occurred. Comments that, the first time a person makes a mistake but the second time, that person is making a choice. Says that she has zero tolerance when dealing with sexual offenses. Reports that she has asked OSU to better define the degrees of sexual offenses.
014	Riley	Agrees with the point made by Sen. Walker.
018	Sen. C. Starr	Comments on the importance of student athletics.
038	Chair Walker	Closes public hearing on SB 416 and opens a public hearing on SB 300.
<u>SB 300 – PUBLIC HEARING</u>		
065	Marjorie Taylor	Committee Administrator. Gives overview of SB 300. Mentions the -2 amendments (EXHIBIT E).
077	Sen. Avel Gordly	Represents Senate District 23. Testifies in support of SB 300. Submits written testimony (EXHIBIT F).
148	Rep. John Dallum	Represents House District 59. Testifies in support of SB 300.
161	Laurie Wimmer Whelan	Oregon Education Association. Testifies in support of SB 300.
180	Chair Walker	Thanks members of the workgroup for their efforts.
185	Harvey Mathews	Associated Oregon Industries. Testifies in support of SB 300. Talks about the -2 amendments.
289	Chair Walker	Comments that Sen. Gordly has worked on SB 300 for four sessions.
291	Sen. Gordly	Responds to comment. Says that she has worked on it for four years but that the concept has been around for approximately ten years.
301	Mathews	Concludes testimony on SB 300.
310	Sen. Gordly	Thanks Marjorie Taylor for all of her hard work.
325	Sen. C. Starr	Commends those who contributed to the work done on SB 300.
341	Sen. Gordly	Addresses Sen. C. Starr's comment.
376	Margaret Delacy	Portland resident. Testifies on SB 300. Submits handout on student performance levels (EXHIBIT G). Expresses concern with some of the amendments to SB 300.
TAPE 70, B		
001	Delacy	Continues testimony on SB 300.
054	Chair Walker	Comments on email received from Delacy. Reports that she is aware of Delacy's concerns.
057	Delacy	Explains that Mr. Mathews sent her the amendments that were agreed to. Says that she was not able to review the exact language of the amendments until this afternoon.
061	Deborah Andrews	Portland resident. Testifies on SB 300. Expresses concerns with the -2 amendments.
090	Chair Walker	Says the committee is going to move SB 300 today.
100	Chair Walker	Closes public hearing and opens work session on SB 300.
<u>SB 300 – WORK SESSION</u>		
101	Sen. C. Starr	MOTION: Moves to ADOPT SB 300-2 amendments dated 4/5/05. VOTE: 5-0-0
	Chair Walker	Hearing no objection, declares the motion CARRIED.
103	Sen. C. Starr	MOTION: Moves SB 300 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means. VOTE: 5-0-0
	Chair Walker	Hearing no objection, declares the motion CARRIED.
109	Chair Walker	Closes work session and opens public hearing on SB 637. Reports that SB 719 will not be heard today.
<u>SB 637 – PUBLIC HEARING</u>		
116	Marjorie Taylor	Committee Administrator. Gives overview of SB 637. Mentions the -3 amendments (EXHIBIT H).
125	Sen. Ryan Deckert	Represents Senate District 14. Testifies in support of SB 637. Submits written testimony (EXHIBIT I).
177	Yvette Weber-Davis	The Chancellor's Office, Oregon University System. Testifies in support of SB 637.
218	Vickie Chamberlain	Director, Teacher Standards and Practices Commission. Testifies in support of SB 637.

253	Pat Burk	Chief Policy Officer, Department of Education. Testifies in support of SB 637.
322	Key Jackson	Oregon Students of Color Coalition. Testifies in support of SB 637. Submits written testimony (EXHIBIT J).
379	Margie Lowe	Executive Director, Oregon Student Assistance Commission. Testifies on SB 637.
400	Chair Walker	Closes public hearing and opens a work session on SB 637.
<u>SB 637 – WORK SESSION</u>		
401	Sen. C. Starr	MOTION: Moves to ADOPT SB 637-3 amendments dated 4/6/05. VOTE: 4-0-1 EXCUSED: 1 - Sen. Morrisette Hearing no objection, declares the motion CARRIED.
408	Chair Walker Sen. C. Starr	MOTION: Moves SB 637 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means. VOTE: 5-0-0 Hearing no objection, declares the motion CARRIED.
416	Chair Walker	Closes work session on SB 637 and opens public hearing on SB 643.
<u>SB 643 – PUBLIC HEARING</u>		
422	Marjorie Taylor	Committee Administrator. Gives overview of SB 643. Mentions the -3 amendments (EXHIBIT K).
TAPE 71, B		
011	John Wykoff	Executive Director, Oregon Student Association. Testifies in support of SB 643.
027	Chair Walker	Asks Wykoff to repeat statement.
028	Wykoff	Repeats statement. Continues testimony on SB 643. Talks about the – 3 amendments.
070	Chair Walker	Asks question regarding testimony.
072	Wykoff	Replies yes.
075	Chair Walker	Asks Wykoff if he would like the committee to move SB 643 today or if he would prefer the committee to keep the bill until the issues have been worked out.
081	Wykoff	Replies that he will need a few minutes to consider the proposal.
088	George Pernsteiner	Chancellor, Oregon University System. Testifies on SB 643.
115	Chair Walker	Asks Wykoff if he would like the committee to move SB 643 today or if he would prefer the committee to keep the bill until the issues have been worked out.
117	Wykoff	Replies that the committee can move SB 643 today.
125	Amanda Barron	Portland State University. Testifies in support of SB 643. Submits written testimony (EXHIBIT L).
182	Chair Walker	Responds to testimony.
188	Dee Wendler	Director of Business Affairs, Portland State University. Testifies on SB 643. Submits written testimony (EXHIBIT M).
244	Edward Kill	Student, Portland State University. Testifies on SB 643.
276	Chair Walker	Asks Wendler to respond to the \$20 opt out cost discussed by Mr. Kill.
277	Wendler	Discusses the \$20 opt out cost option.
289	Chair Walker	Feels that the university should have paid the entire cost of the card.
301	Chair Walker	Asks if the students had the option to opt out prior to getting the card.
303	Wendler	Explains.
306	Chair Walker	Says that students who do not want the Higher One card should be able to get a different card at no cost.
311	Wendler	Agrees.
313	Wendler	Comments that she is unaware of any credit card products being issued through Higher One.
334	Chair Walker	Closes public hearing and opens work session on SB 643.
<u>SB 643 – WORK SESSION</u>		
337	Chair Walker	Mentions informational sheet that was submitted for the record by Higher One (EXHIBIT N).
346	Sen. C. Starr	MOTION: Moves to ADOPT SB 643-3 amendments dated 4/5/05. VOTE: 4-0-1 EXCUSED: 1 - Sen. Morrisette Hearing no objection, declares the motion CARRIED.
351	Chair Walker Sen. C. Starr	MOTION: Moves SB 643 to the floor with a DO PASS AS AMENDED

355	Chair Walker	recommendation. Says that there may be amendments to SB 643 in the House.
358		VOTE: 4-0-1 EXCUSED: 1 - Sen. Morrisette Hearing no objection, declares the motion CARRIED. SEN. DECKERT will lead discussion on the floor. Closes work session and opens public hearing on SB 747.
	Chair Walker	
376	Chair Walker	
	<u>SB 747 – PUBLIC HEARING</u>	
379	Marjorie Taylor	Committee Administrator. Gives overview of SB 747. Mentions -1 amendments (EXHIBIT O).
390	Chair Walker	Talks about SB 747.
407	Kevin Grant	Director of State Affairs, Associated Students of Oregon State University. Testifies in support of SB 747. Submits written testimony (EXHIBIT P).
	TAPE 72, A	
001	Grant	Continues testimony on SB 747.
081	Chair Walker	Comments on testimony. Says that SB 747 cannot remain in its current form.
110	Sen. Ryan Deckert	Represents Senate District 14. Testifies in support of SB 747. Submits written testimony (EXHIBIT Q).
173	George Pernsteiner	Chancellor, Oregon University System. Testifies on SB 747.
214	Chair Walker	Closes public hearing and opens work session on SB 747.
	<u>SB 747 – WORK SESSION</u>	
215	Sen. C. Starr	Asks if the committee wishes to move SB 747 as is or if the committee would like to work on amendments.
221	Sen. Deckert	Says his preference would be to move SB 747 today. Wants to work on amendments in the House.
226	Sen. C. Starr	MOTION: Moves to ADOPT SB 747-1 amendments dated 4/1/05. VOTE: 5-0-0 Hearing no objection, declares the motion CARRIED.
	Chair Walker	
233	Sen. C. Starr	Asks if the committee wants to move SB 747 to Ways and Means.
234	Chair Walker	Asks Pernsteiner if there might be a fiscal impact on SB 747.
239	Persteiner	Explains.
243	Sen. C. Starr	MOTION: Moves SB 747 to the floor with a DO PASS AS AMENDED recommendation and rescind the subsequent referral to the Committee on Ways and Means. VOTE: 5-0-0 Hearing no objection, declares the motion CARRIED. SEN. DECKERT will lead discussion on the floor. Closes work session on SB 747 and opens work session on SB 769.
	Chair Walker	
262	Chair Walker	
	<u>SB 769 – WORK SESSION</u>	
264	Marjorie Taylor	Committee Administrator. Gives overview of SB 769. Mentions revised fiscal impact statement from the Legislative Fiscal Office. Reports a fiscal impact. Points out that SB 769 does not currently have a subsequent referral to Ways and Means. Mentions memo submitted for the record by staff which includes answers to questions from the committee (EXHIBIT T).
288	Sen. Kruse	Wonders if SB 769 should be moved to Ways and Means.
292	Chair Walker	Reads fiscal impact statement. Reports preference to move SB 769 to the floor.
330	Sen. C. Starr	Says he is conflicted on the issue. Comments on SB 769. Explains reasons why he supports SB 769.
354	Sen. C. Starr	MOTION: Moves SB 769 to the floor with a DO PASS recommendation.
358	Chair Walker	Asks Steve Bender to comment on the fiscal impact statement.
370	Steve Bender	Legislative Fiscal Office. Talks about the fiscal impact of SB 769.
397	Sen. Kruse	Comments on fiscal impact statement.
405	Sen. Deckert	Says he is comfortable sending SB 769 to Ways and Means.
408	Sen. C. Starr	Amends motion to send SB 769 to Ways and Means instead of moving SB 769 to the floor.
409	Sen. C. Starr	MOTION: Moves SB 769 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
413	Chair Walker	Comments on motion made. Asks committee members what they would like

422	Sen. Deckert	to do with SB 769.
TAPE 73, A		Says he is comfortable moving SB 769 to Ways and Means or to the floor.
005	Sen. Kruse	Reports that he will be voting no on SB 769.
010		VOTE: 3-1-1
		AYE: 3 - Sen. Deckert, Sen. C. Starr, Sen. Walker
		NAY: 1 - Sen. Kruse
		EXCUSED: 1 - Sen. Morrisette
	Chair Walker	The motion Carries.
	The following prepared testimony is submitted for the record without public testimony:	
	Peter Dane	Citizen. Submits written testimony for the record (EXHIBIT U) .
012	Chair Walker	Closes work session on SB 769 and opens work session on SB 766.
	<u>SB 766 – WORK SESSION</u>	
015	Marjorie Taylor	Committee Administrator. Gives overview of SB 766. Mentions -1 amendments (EXHIBIT R) .
022	Chair Walker	Talks about -1 amendments.
031	Sen. C. Starr	Says he is conflicted and will not be able to support SB 766.
034	Chair Walker	Recesses work session on SB 766.
037	Chair Walker	Opens work session on SB 748.
	<u>SB 748 – WORK SESSION</u>	
038	Marjorie Taylor	Committee Administrator. Gives overview of SB 748.
042	Chair Walker	Recesses work session on SB 748. The committee stands at ease.
044	Chair Walker	Calls committee back to order and re-opens work session on SB 748.
046	Chair Walker	Asks Andrea Morgan to comment on the potential fiscal impact of SB 748.
054	Andrea Morgan	Curriculum Specialist, Department of Education. Talks about anticipated fiscal impact.
071	Chair Walker	Asks how long it took the Department of Education to review one of the programs.
072	Morgan	Explains.
084	Chair Walker	Recesses work session on SB 748 and re-opens work session on SB 766.
	<u>SB 766 – WORK SESSION</u>	
089	Sen. Deckert	MOTION: Moves to ADOPT SB 766-1 amendments dated 4/4/05.
		VOTE: 5-0-0
	Chair Walker	Hearing no objection, declares the motion CARRIED.
095	Sen. Deckert	MOTION: Moves SB 766 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-2-0
		AYE: 3 - Sen. Deckert, Sen. Morrisette, Sen. Walker
		NAY: 2 - Sen. Kruse, Sen. C. Starr
	Chair Walker	The motion Carries.
		SEN. WALKER will lead discussion on the floor.
104	Chair Walker	Closes work session on SB 766 and re-opens work session on SB 748.
	<u>SB 748 – WORK SESSION</u>	
107	Sen. C. Starr	MOTION: Moves SB 748 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 4-0-1
		EXCUSED: 1 - Sen. Deckert
	Chair Walker	Hearing no objection, declares the motion CARRIED.
117	Chair Walker	Closes work session and opens public hearing on SB 342.
	<u>SB 342 – PUBLIC HEARING</u>	
121	Marjorie Taylor	Committee Administrator. Gives overview of SB 342. Mentions -2 amendments (EXHIBIT S) .
132	George Pernsteiner	Chancellor, Oregon University System. Testifies in support of SB 342.
142	Bob Turner	President, IFS. Testifies in support of SB 342.
159	Sen. C. Starr	Comments on testimony.
169	Chair Walker	Closes public hearing and opens work session on SB 342.
	<u>SB 342 – WORK SESSION</u>	
172	Sen. C. Starr	MOTION: Moves to ADOPT SB 342-2 amendments dated 4/5/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Deckert, Sen. Morrisette

177	Chair Walker Sen. C. Starr	Hearing no objection, declares the motion CARRIED. MOTION: Moves SB 342 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 3-0-2 EXCUSED: 2 - Sen. Deckert, Sen. Morrisette Hearing no objection, declares the motion CARRIED. SEN. SCHRADER will lead discussion on the floor. Closes work session and opens public hearing on SB 684.
	Chair Walker	
185	Chair Walker	
SB 684 – PUBLIC HEARING		
192	Sen. Charles Starr	Represents Senate District 13. Testifies in support of SB 684.
229	Tim King	Principal, Clackamas Web Academy. Testifies in support of SB 684.
320	Kaaren Heikes	Charter School Development Center. Testifies on SB 684. Expresses neutrality on SB 684.
382	Chair Walker	Asks how Heikes knows that the State Board of Education is working on the issue.
383	Heikes	Explains.
413	Sen. C. Starr	Comments on the issue.
TAPE 72, B		
004	Chair Walker	Says that she would like to hold onto SB 684 until the committee can gather further information.
012	Sen. C. Starr	Appreciates the offer to keep SB 684 in the committee.
025	Chair Walker	Closes public hearing and adjourns meeting at 6:05 p.m.

EXHIBIT SUMMARY

- A. SB 416, -1 amendments, staff, 2 pp
- B. SB 416, -2 amendments, staff, 2 pp
- C. SB 416, email correspondence, Tex Winter, 3 pp
- D. SB 416, written testimony, Bob De Carolis, 4 pp
- E. SB 300, -2 amendments, staff, 13 pp
- F. SB 300, written testimony, Sen. Avel Gordly, 2 pp
- G. SB 300, chart, Margaret Delacy, 1 p
- H. SB 637, -3 amendments, staff, 2 pp
- I. SB 637, written testimony, Sen. Ryan Deckert, 2 pp
- J. SB 637, written testimony, Key Jackson, 2 pp
- K. SB 643, -3 amendments, staff, 2 pp
- L. SB 643, written testimony, Amanda Barron, 2 pp
- M. SB 643, written testimony, Dee Wendler, 3 pp
- N. SB 643, written testimony, Higher One, 1 p
- O. SB 747, -1 amendments, staff, 2 pp
- P. SB 747, written testimony, Kevin Grant, 4 pp
- Q. SB 747, written testimony, Sen. Ryan Deckert, 10 pp
- R. SB 766, -1 amendments, staff, 2 pp
- S. SB 342, -2 amendments, staff, 3 pp

The following exhibits are listed out of order in the body of the tape log:

- T. SB 769, memo, staff, 1 p
- U. SB 769, written testimony, Peter Dane, 1 p