

HOUSE COMMITTEE ON EDUCATION

April 11, 2003 Hearing Room E
1:00 PM Tapes 64 - 65

MEMBERS PRESENT: Rep. Vic Backlund, Chair
Rep. Pat Farr, Vice-Chair
Rep. Elaine Hopson, Vice-Chair
Rep. Brad Avakian
Rep. Billy Dalto
Rep. Mary Nolan
Rep. Wayne Scott

STAFF PRESENT: Jim Keller, Committee Administrator
Jeana Harrington, Committee Assistant

MEASURES HEARD: HB 2744 – Work Session
HB 3044 – Public Hearing
HB 3480 – Public Hearing and Work Session
HB 2843 – Public Hearing and Work Session
HB 2904 – Public Hearing
HB 3037 – Public Hearing
HB 3140 – Public Hearing
HB 3171 – Public Hearing
HB 3242 – Public Hearing
HB 3267 – Public Hearing
HB 3470 – Public Hearing
HB 3564 – Public Hearing
HB 3578 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 64, A		
004	Chair Backlund	Calls meeting to order at 1:11 PM. Opens work session on HB 2744.
<u>HB 2744 – WORK SESSION</u>		
004	Jim Keller	Committee Administrator. Reads Staff Measure Summary (SMS) on HB 2744. Notes the -17 & -18 amendments (EXHIBITS A & B).
010	Cindy Hunt	Legislative Counsel. Overviews -17 and -18 amendments. The following testimony is submitted for the record without public testimony on HB 2744:
	Sandra Smith-Gangle	League of Women Voters of Marion-Polk Counties. Submits written testimony (EXHIBIT C).
056	Chair Backlund	Comments on the history of the bill and amendments.
075	Rep. Hopson	MOTION: Moves to ADOPT HB 2744-18 amendments dated 4/10/03.
079	Nolan	Remarks on the significant effort and success of the work of the Chair on the issue of the Certificate of Initial Mastery (CIM) and the Certificate of Advanced Mastery (CAM).

086 Rep. Hopson **MOTION: Moves HB 2744 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

090 **VOTE: 4-0-3**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Dalto, Farr, Scott
The motion CARRIES.
CHAIR BACKLUND will lead discussion on the floor.

096 Chair Backlund Closes work session on HB 2744.
097 Chair Backlund Reopens work session on HB 2744.

HB 2744 – WORK SESSION

098 Chair Backlund **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. DALTO to BE RECORDED as voting AYE on the "MOTION: Moves HB 2744 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED."**

099 **VOTE: 5-0-2**
EXCUSED: 2 - Farr, Scott
Hearing no objection, declares the motion CARRIED.

100 Chair Backlund Closes work session on HB 2744. Open public hearing on HB 3044.

HB 3044 – PUBLIC HEARING

104 Jim Keller Reads SMS on HB 3044. Notes the -3, -4, -5 amendments **(EXHIBITS D, E & F).**

120 Cindy Hunt Legislative Counsel (LC). Explains the amendments to HB 3044 by section.

175 Chair Backlund Asks about the inclusion of various items in fees.
179 Hunt Affirms.

183 Chair Backlund Recesses public hearing on HB 3044. Reopens work session on HB 2744.

HB 2744 – WORK SESSION

184 Chair Backlund **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. FARR to BE RECORDED as voting AYE on the "MOTION: Moves HB 2744 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED."**

186 **VOTE: 6-0-1**
EXCUSED: 1 - Scott

190 Chair Backlund Closes work session on HB 2744. Reopens public hearing on HB

3044.

HB 3044 – PUBLIC HEARING

242	Patricia O’Sullivan	Portland Public Schools District. Testifies in HB 3044. Believes there are problems with the bill concerning family income and unhealthy situations. Does not feel a diploma should be withheld if a student is found to owe fees. Notes language barriers and informs the committee that schools are required to communicate with families in the language they speak. Explains the situations are frequently occurring, and that there is an additional issue of cost.
347	Chair Backlund	Asks if an amendment can be constructed to solve the problems.
352	O’Sullivan	Responds the district would need to adopt a policy of making exceptions in certain circumstances. Speaks on the use of ‘shall’ in the bill.
382	Hunt	Responds that an amendment would have to be based on cost and not on specific languages.
385	O’ Sullivan	Remarks.
387	Chair Backlund	Speaks on the Family Education Rights and Privacy Act (FERPA). Does not believe a transcript would be withheld in order for a student to apply to college. Informs there will be no work session on HB 3044. Closes public hearing on HB 3044. Opens public hearing on HB 3480.

HB 3480 – PUBLIC HEARING

400	Jim Keller	Committee Administrator. Reads SMS on HB 3480. Notes there are -1 amendments (EXHIBIT G).
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TAPE 65, A

002	Bob Siewert	Oregon Department of Education (ODE). Refers committee to a partial fiscal analysis on the costs of the two Talented and Gifted (TAG) positions (EXHIBIT H). Notes ODE would oppose the bill currently. Believes general fund dollars would be needed to fund the positions.
020	Rep. Avakian	Asks if ODE has looked into providing TAG as the negative alternatives students are currently taking in the situation may be as costly.
025	Siewert	Responds that exact cost data is not available
030	Rep. Avakian	Speaks on Mr. Siewert’s response with regard to resources.
037	Siewert	Explains that in the current financial situation, TAG would require additional dollars. Suggests the federal requirements may not be fulfilled if dollars are redirected.
047	Rep. Farr	Asks how many employees within ODE are currently addressing the federal requirements.
050	Siewert	Answers.
055	Rep. Farr	Requests the number of Full Time Equivalent (FTE) employees in the Office of Special Education.
060	Siewert	Answers thirty-four.
062	Rep. Farr	Clarifies each are directed by federal mandate.
066	Siewert	Affirms.
069	Rep. Farr	Requests how many FTE there are in the Office of Curriculum Instruction.
072	Siewert	Estimates there are 34.5 FTE.
075	Rep. Dalto	Offers that the legislative intent of HB 3480 is to have ODE accommodate for the positions with the FTE it is currently

		allowed.
080	Siewert	Responds concerning ODE.
085	Rep. Dalto	Believes there are other options, other solutions to provide for compliance with the intent of the legislation.
090	Siewert	Recalls a discussion for the committee. Believes there are several ways to increase effort to ensure teachers accomplish the program in class.
105	Chair Backlund	Recalls one of the keys to TAG success is additional teacher training. Believes the provision for two FTE is to accommodate needs for teacher training. Voices frustration the accommodation cannot be made.
130	Siewert	Echoes the same concerns for TAG.
150	Rep. Dalto	Wonders why there has been no progress for TAG.
158	Siewert	Responds.
162	Rep. Dalto	Asks how many employees conduct teacher training programs.
164	Siewert	States he is unsure.
166	Rep. Dalto	Asks how many students special education includes.
172	Siewert	Answers around 13% of the total statewide population.
175	Rep. Dalto	Requests a number.
177	Chair Backlund	Estimates.
180	Rep. Dalto	Supposes the number is around 68,000. Inquires as to the number of TAG students.
183	Siewert	Believes it is 35,000.
185	Rep. Dalto	Asserts it is 48,000.
187	Rep. Hopson	Requests how much money comes from the federal government for special education.
188	Siewert	Lists the grants received for special education. Notes ODE receives no money from the federal government for TAG.
190	Chuck Bennett	Confederation of Oregon School Administrators (COSA). Assumes reallocation of resources could breed sensitivity. Notices HB 3480 has no subsequent referral to the committee on Ways and Means. Believes cost issues should be resolved in Ways and Means. Lists the reasons the bill should be referred. Voices hope that it could be sent there to continue on in the process.
240	Rep. Farr	Explains the subsequent referral is not present = because the idea was to absolve the costs within the system. Asks him to approximate the number of teacher trainers within ODE.
249	Siewert	Estimates for two departments.
259	Rep. Farr	Reiterates the vision for the two FTE would come from those already allocated.
266	Siewert	Responds he spoke to that earlier.
271	Rep. Farr	Asks if it would be unusual to tell ODE to allocate two FTE teacher trainers to TAG.
285	Bennett	Believes the situation is unusual.
289	Rep. Farr	Suggests the inclusion of TAG not already realized is what is unusual.
295	Bennett	Suggests the bill goes to Ways and Means to weigh it against other priorities in the system.
309	Rep. Farr	Advises he has not worked in Ways and Means. Asks if the committee could tell ODE to assign trainers.
315	Bennett	Reiterates that employee disposition has tended to be an executive action.
325	Rep. Farr	Asserts the action of the House Committee on Education could be a reasonable alternative.

335	Bennett	Responds that is a decision for the committee. Adds that the committee should generate revenue impact bills to match costs.
345	Rep. Farr	Respects his opinion.
349	Rep. Dalto	Clarifies his concern is for education and not for the ODE as a bureaucracy.
357	Bennett	Believes the shortfall is massive. Reiterates decisions such as this occur in Ways and Means.
390	Rep. Dalto	Reads the language of HB 3480 regarding FTE. Asks if he believes there is an appropriate number.
400	Bennett	States he is unsure what the number would be, but overall consideration of employment should be considered as budgets are being cut.
424	Laurie Wimmer-Whalen	Oregon Education Association (OEA). Testifies on HB 3480. Provides opinions as a lobbyist and as a TAG mother. States she does not think the issue involves the numbers of FTE. States she does not believe this is a situation to a TAG problem.
TAPE 64, B		
017	Rep. Hopson	Asks if students are also recognized as TAG in areas of music and fine arts.
030	Siewert	Notes the different identifications available to districts for TAG students.
035	Rep. Hopson	Supposes that with the budget crisis all programs are being cut.
037	Siewert	Concurs that programs are being reduced and that ODE is trying to keep minimums.
040	Chair Backlund	Comments on his great interest in funding education. Voices frustration with the discussion. Speaks on earlier comments that specific FTE funding has not been usual previously. Believes the legislature has every right to do that. Closes public hearing and opens work session on HB 3480.

HB 3480 – WORK SESSION

080	Rep. Dalto	MOTION: Moves to ADOPT HB 3480-1 amendments dated 4/10/03.
090	Rep. Hopson	States she is unclear as to the purpose of the -1 amendments.
097	Rep. Farr	Adds related question.
099	Siewert	ODE. Explains that ODE currently provides teacher training.
111	Chair Backlund	Responds to Rep. Farr's question. Believes there are other parts of the -1 amendments that are helpful.
114		VOTE: 5-0
	Chair Backlund	EXCUSED: 2 - Nolan, Scott
		Hearing no objection, declares the motion CARRIED.
118	Rep. Dalto	MOTION: Moves HB 3480 to the floor with a DO PASS AS AMENDED recommendation.
122	Rep. Hopson	States she will be a 'no' vote. Lists reasons. Does not believe special education and TAG should be considered on the same plane. Believes TAG students are addressed in several ways and that many opportunities are already available to them. Speaks against the micromanagement of an agency as it is outside of the realm of the Legislature. Thinks that not sending the bill to Ways and Means is in violation of actions to be taken by committees.
155	Rep. Farr	States he will be a 'yes' vote. Reasons that ODE must be sent a strong message that TAG should be considered. Notes his son dropped out of the system and was a TAG student. Believes the

177	Rep. Avakian	committee has heard from highly qualified people in support of the measure. Thinks students will be aided. Recognizes the expertise of the committee. States he will be a 'yes' vote. Believes the figures presented may be real, but knows for a fact that TAG kids costs the system in other areas without the programs. Notes the prior testimony of parents and believes there exists a very fair comparison of special education and TAG students. Does not subscribe to the idea that one program is being 'cherry-picked' out of others. Notes his support of the arts, music, and physical education in related issues. Notes there is no consideration of TAG currently, and the bill establishes a structure to obtain that. Concludes that FTE's exist because there is federal funding. Differentiates the state and federal programs. Stresses the bill states that, in Oregon, TAG students will be cared for, and a way to fund costs will be created.
239	Rep. Dalto	Thinks it is time for the ODE to take a leadership role in serving Oregon's TAG students. Believes ODE has failed to coordinate and also believes the fiscal impact has been an attempt to impair the effort.
262		VOTE: 4-1-2 AYE: 4 - Avakian, Dalto, Farr, Backlund NAY: 1 - Hopson EXCUSED: 2 - Nolan, Scott The motion CARRIES. REP. DALTO will lead discussion on the floor.
	Chair Backlund	
267	Chair Backlund	Closes work session on HB 3480. Opens public hearing on HB 2843.
<u>HB 2843 – PUBLIC HEARING</u>		
269	Jim Keller	Committee Administrator. Reads SMS on HB 2843. Notes the -1 amendments to HB 2843 (EXHIBIT I).
278	Bob Siewert	ODE. States ODE takes no position on HB 2843. Speaks on data already collected.
321	Chair Backlund	Asks if Mr. Siewert has seen the -1 amendments.
322	Siewert	Responds he has not seen them.
323	Chair Backlund	Informs he plans to move the -1 amendments.
325	Rep. Hopson	Speaks on the data the bill discusses.
327	Siewert	Concurs that clarification of the intent of the requirements would be helpful.
330	Chair Backlund	Requests Ms. De lacy testify and poses question.
332	Rep. Hopson	Adds additional question regarding section three of the -1 amendments.
334	Margaret De lacy	Oregon TAG. Provides suggestions for alternative wording.
340	Rep. Hopson	Clarifies the information required by the bill.
350	De lacy	Believes it is data that would assist the ODE. Explains the intent of the amendment.
379	Rep. Hopson	Clarifies the information and suggestions of -1 amendment. Believes the amendment needs clarity.
391	Siewert	Asks for clarification on the intent of the bill.
TAPE 65, B		
011	Rep. Hopson	Poses question regarding the tracking of double identified children.
017	Siewert	Speaks on the language and the intent of the measure.
023	Chair Backlund	Closes public hearing and opens work session on HB 2843.

HB 2843 – WORK SESSION

025	Rep. Avakian	Encourages the Senate to look at ideas presented in the -1 amendments.
028	Rep. Avakian	MOTION: Moves HB 2843 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
029	Rep. Hopson	Objects to placement on the consent calendar.
030	Rep. Avakian	Withdraws motion.
031	Rep. Avakian	MOTION: Moves HB 2843 to the floor with a DO PASS recommendation.
032		VOTE: 5-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Nolan, Scott
	Chair Backlund	The motion CARRIES.
		REP. DALTO will lead discussion on the floor.
035	Chair Backlund	Closes work session on HB 2843. Notes he will tap all bills that follow. Opens public hearing on HB 2904.
<u>HB 2904 – PUBLIC HEARING</u>		
036	Chair Backlund	Closes public hearing on HB 2904. Opens public hearing on HB 3037.
<u>HB 3037 – PUBLIC HEARING</u>		
037	Chair Backlund	Closes public hearing on HB 3037. Opens public hearing on HB 3140.
<u>HB 3140 – PUBLIC HEARING</u>		
038	Chair Backlund	Closes public hearing on HB 3140. Opens public hearing on HB 3171.
<u>HB 3171 – PUBLIC HEARING</u>		
039	Chair Backlund	Closes public hearing on HB 3171. Opens public hearing on HB 3242.
<u>HB 3242 – PUBLIC HEARING</u>		
040	Chair Backlund	Closes public hearing on HB 3242. Opens public hearing on HB 3267.
<u>HB 3267 – PUBLIC HEARING</u>		
041	Chair Backlund	Closes public hearing on HB 3267. Opens public hearing on HB 3470.
<u>HB 3470 – PUBLIC HEARING</u>		
042	Chair Backlund	Closes public hearing on HB 3470. Opens public hearing on HB 3564.
<u>HB 3564 – PUBLIC HEARING</u>		
043	Chair Backlund	Closes public hearing on HB 3564. Opens public hearing on HB 3578.
<u>HB 3578 – PUBLIC HEARING</u>		
044	Chair Backlund	Closes public hearing on HB 3578. Adjourns meeting at 2:41 PM.

EXHIBIT SUMMARY

- A – HB 2744-17, Staff, 23 pp.**
- B – HB 2744-18, Staff, 24 pp.**
- C – HB 2744, Sandra Smith-Gangle, 5 p**
- D – HB 3044-3, Staff, 3 pp.**
- E – HB 3044-4, Staff, 4 pp.**
- F – HB 3044-5, Staff, 4 pp.**
- G – HB 3480-1, Staff, 1 p**
- H – HB 3480, Bob Siewert, 1 p**

I – HB 2843-1, Staff, 1 p