

HOUSE COMMITTEE ON EDUCATION

April 18, 2003 Hearing Room E
1:00 PM Tapes 71 - 72

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

MEMBER EXCUSED: Rep. Mary Nolan

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

MEASURES HEARD: HB 2817 – Work Session
SB 287 – Work Session
HB 2894 – Work Session
HB 3044 – Work Session
HB 3171 – Work Session
HB 3557 – Work Session
HB 3564 – Work Session
SB 238 – Work Session
HB 3480 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 71, A		
004	Chair Backlund	Calls meeting to order at 1:08 PM. Welcomes the audience. Opens work session on HB 2817.
<u>HB 2817 – WORK SESSION</u>		
009	Jim Keller	Committee Administrator. Reads Staff Measure Summary (SMS) on HB 2817.
028	Gary Andine	Executive Director, Oregon Independent Colleges Association. Explains the -8 amendments (EXHIBIT A).
050	Lisa Zavala	Oregon University System (OUS). States OUS has seen the -8 amendments and noticed the -3 amendments were not incorporated into them (EXHIBIT B). Requests the committee consider the -3 amendments. Voices concern with -8 amendments regarding costs and staffing of a task force. States OUS would find it nearly impossible to fund the task force. Encourages the bill be sent to Ways and Means. Addresses an issue with the testimony of President of Willamette University last time the bill was heard.
101	Andrea Henderson	Oregon Community College Association (OCCA). Appreciates the inclusion of the -5 amendments on the -8 amendments, but would like to also see the -3 amendments (EXHIBIT C). States OCCA does not support the -8 amendments.

107 Gary Andine Appreciates the concerns shared and addresses them. Comments on the -3 amendments regarding the task force. States his vision for the task force and believes it is in the best interest of Oregonians.

140 Rep. Dalto Voices concern with a previous statement.

145 Chair Backlund Recesses work session on HB 2817. Opens work session on SB 287.

SB 287 – WORK SESSION

155 Sen. Ryan Deckert District 14. Refers the committee to the -3 amendment to SB 287 **(EXHIBIT D)**. Requests the bill be moved to the House Floor.

175 Rep. Avakian Thanks the Senator for the bill.

180 **Rep. Hopson** **MOTION: Moves to ADOPT SB 287-3 amendments dated 4/17/03.**

183 **VOTE: 6-0-1**
EXCUSED: 1 - Nolan
Hearing no objection, declares the motion CARRIED.

185 **Rep. Hopson** **MOTION: Moves SB 287 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

190 **VOTE: 6-0-1**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Nolan
The motion CARRIES.
REP. FARR will lead discussion on the floor.

207 Sen. Deckert Notes the Highland Park Middle School students in the audience.

212 Chair Backlund Comments.

214 Rep. Avakian Comments.

216 Chair Backlund Closes work session on SB 287. Reopens work session on HB 2817.

HB 2817 – WORK SESSION

225 Rep. Farr Requests a recess.

228 Chair Backlund States the committee is aware of the concerns on the measure. Views the issue as something that needs further discussion. Intends to move the bill

241 Rep. Farr Believes the -8 should be included and that there should be discussion in the sent.

248 **Rep. Farr** **MOTION: Moves to ADOPT HB 2817-8 amendments dated 4/17/03.**

250 Rep. Dalto Echoes Rep. Farr’s views.

260 Rep. Avakian Lists the concerns he has with the bill. States he cannot support the amendment or bill in present form.

279 Chair Backlund Understands his funding concerns. Notes that if the bill is sent to Ways and Means, it will die there. Supports the -8 amendments.

301 Rep. Avakian Appreciates his comments. Submits that the committee be accountable to the taxpayers. Voices concern for the bill.

323 Rep. Hopson Wishes to discuss the bill.

330 **VOTE: 4-2-1**
AYE: 4 - Dalto, Farr, Scott, Backlund
NAY: 2 - Avakian, Hopson
EXCUSED: 1 - Nolan
The motion CARRIES.

340 **Rep. Farr** **MOTION: Moves HB 2817 to the floor with a DO PASS AS**

AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

350 Rep. Hopson Believes the bill creates another level of bureaucracy. Voices concern about the source of the funds needed by the bill. Thinks the task force is adequately supported already. States she will be a 'no' vote.

379 Chair Backlund Explains his philosophy for the bill. States he supports the bill.

**TAPE 72, A
006**

VOTE: 4-2-1

AYE: 4 - Dalto, Farr, Scott, Backlund

NAY: 2 - Avakian, Hopson

EXCUSED: 1 - Nolan

Chair Backlund

The motion CARRIES.

CHAIR BACKLUND will lead discussion on the floor.

007 Chair Backlund Comments. Closes work session on HB 2817. Opens work session on HB 2894.

HB 2894 – WORK SESSION

011 Jim Keller Reads SMS on HB 2894. Notes -1 amendments (**EXHIBIT E**).
Rep. Phil Barnhart House District 11. Submits written testimony in favor of HB 2894 (**EXHIBIT F**).

015 Chair Backlund Comments on the bill.

022 Steve Novick Assistant to Superintendent of Public Instruction Susan Castillo, Oregon Department of Education (ODE). Explains the reasoning behind the -1 amendments. Voices concerns with the measure for Superintendent Castillo.

044 Chair Backlund Thinks Mr. Novick has raised a good point. Notes they are under a deadline and all bills must be considered by today.

060 Rep. Farr MOTION: Moves to ADOPT HB 2894-1 amendments dated 3/19/03.

063 VOTE: 6-0-1

EXCUSED: 1 - Nolan

Chair Backlund Hearing no objection, declares the motion CARRIED.

066 Rep. Farr MOTION: Moves HB 2894 to the floor with a DO PASS AS AMENDED recommendation.

068 Rep. Hopson Voices concerns for the bill, hopes they are cleared up on the Senate floor, will be a yes vote despite them. Feels the ODE issues need to be addressed.

085 VOTE: 6-0-1

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

EXCUSED: 1 - Nolan

Chair Backlund The motion CARRIES.

REP. BARNHART will lead discussion on the floor.

089 Chair Backlund Closes work session on HB 2894. Opens work session on HB 3044. Reminds the committee of HB 3044. Addresses the concerns raised by the -6 amendments (**EXHIBIT G**).

HB 3044 – WORK SESSION

131 Rep. Scott MOTION: Moves to ADOPT HB 3044-6 amendments dated 4/17/03.

134 VOTE: 6-0-1

EXCUSED: 1 - Nolan

Chair Backlund Hearing no objection, declares the motion CARRIED.

136 Rep. Scott MOTION: Moves HB 3044 to the floor with a DO PASS AS

AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

- 147 Rep. Hopson States she will vote 'no'. Notes her problem with use of the word 'shall' in the bill. Believes it is another unfunded mandate for schools and that it will take time from the duties of administration and teachers. Does not agree with the bill. Believes it has meaningless consequences.
- 180 Chair Backlund Comments that the bill was brought to committee by a principal and on issues of returning books and supplies. Thinks the bill will assist in teaching responsibility.
- 205 **VOTE: 3-2-2**
AYE: 3 - Farr, Scott, Backlund
NAY: 2 - Avakian, Hopson
EXCUSED: 2 - Dalto, Nolan
The motion CARRIES.
- 209 Chair Backlund Explains the Committee on Ways and Means to the audience. Closes work session on HB 3044. Opens work session on HB 3171.

HB 3171 – WORK SESSION

- 227 Jim Keller. Reads SMS on HB 3171. Notes -2 amendments (**EXHIBIT H**).
- 232 Rep. Rob Patridge House District 6. Testifies in favor of HB 3171. Explains the -2 amendments. Speaks on school district consolidation. Notes the cost savings.
- 264 Chair Backlund Speaks on a related measure.
- 267 Rep. Patridge Comment on the relating to clause of his bill.
- 277 Rep. Hopson Speaks on the bill's relationship with school funding.
- 285 Chair Backlund Remarks.
- 289 **Rep. Hopson** **MOTION: Moves to ADOPT HB 3171-2 amendments dated 4/10/03.**
- 293 **VOTE: 6-0-1**
EXCUSED: 1 - Nolan
Hearing no objection, declares the motion CARRIED.
- 297 **Rep. Hopson** **MOTION: Moves HB 3171 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**
- 310 **VOTE: 6-0-1**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Nolan
The motion CARRIES.
REP. PATRIDGE will lead discussion on the floor.
- 328 Chair Backlund Closes work session on HB 3171. Opens work session on HB 3557.

HB 3557 – WORK SESSION

- 330 Jim Keller Reads SMS on HB 3557.
- 334 Jim Green Oregon School Boards Association (OSBA). Reminds committee of the bill's previous hearing.
- 345 John Osburn Counsel, Mersereau and Shannon. Explains the charter school program. Notes the problem that has now occurred with the schools as nonprofit organizations. Believes the requirement is now unnecessary.
- 395 Chair Backlund Poses question regarding the Paisley School District.

400	Green	Responds on the Paisley School District involvement in the matter and explains how the bill will benefit them.
422	Chair Backlund	Informs the committee of his conversation with the Superintendent of Paisley School District.
TAPE 71, B		
003	Green	Clarifies they could still become a charter school without the bill, but with additional requirements and time.
004	Rep. Dalto	MOTION: Moves HB 3557 to the floor with a DO PASS recommendation.
010	Rep. Avakian	Speaks on the language of the bill and its allowances. Thinks the bill would enable districts to charter themselves. Believes there is an alternative solution to the Paisley School District problem. Does not believe the bill is a sound policy choice.
030	Chair Backlund	Responds to Rep. Avakian's concerns.
036	Rep. Avakian	Comments further on the charter school regulations and charter school law.
050	Green	Addresses Rep. Avakian's concerns. Explains the requirements for a charter school that would be retained. Notes a small school district could not convert to a charter school district. Speaks on the Paisley School District.
084	Rep. Hopson	Informs she will be voting for the bill. Adds she has spoken with the Paisley School District.
101	Rep. Avakian	Notes the 80/20 rules have a sunset, and the measure has no 'safety valve'. Does not interpret it as a single issue of Paisley, believes the issue is more large scale. States he will be a 'no' vote.
120		VOTE: 4-2-1 AYE: 4 - Dalto, Farr, Hopson, Backlund NAY: 2 - Avakian, Scott EXCUSED: 1 - Nolan The motion CARRIES. REP. HOPSON will lead discussion on the floor.
	Chair Backlund	
127	Chair Backlund	Closes work session on HB 3557. Reopens work session on HB 2894.
<u>HB 2894 – WORK SESSION</u>		
130	Chair Backlund	Informs the committee that Rep. Phil Barnhart will carry HB 2894. Closes work session on HB 2894. Opens work session on HB 3564.
<u>HB 3564 – WORK SESSION</u>		
135	Jim Keller	Reads SMS on HB 3564. Notes -2 amendments (EXHIBIT I).
139	John Dallum	Oregon Students Association (OSA). Testifies in favor of HB 3564 (EXHIBIT J).
149	Rachel Pilliod Julie Sehanek	Chair, OSA. Testifies in favor of HB 3564 (EXHIBIT K). OCCA. Submits written testimony on HB 3564 (EXHIBIT L).
190	Chair Backlund	Ensures the parties agree with the -2 amendments.
192	Dallum	Affirms.
194	Rep. Dalto	Requests if the parties have the -1 amendments.
196	Dallum	Negates.
207	Chair Backlund	Closes work session on HB 3564. Opens work session on SB 238.
<u>SB 238 – WORK SESSION</u>		
210	Jim Scheppke	Director, Oregon State Librarian. Testifies in favor of SB 238 (EXHIBIT M). Notes SB 238 has no fiscal impact.

232	Chair Backlund	Asks how school libraries are fairing.
235	Schepke	Responds school libraries are not doing well at all.
243	Kelly Kuntz	President, Oregon Educational Media Association (OEMA). Testifies in favor of SB 238 (EXHIBIT N).
290	Chair Backlund	Asks if there is any opposition to the bill.
297	Kuntz	Negates.
300	Rep. Hopson	Asks if there was an attempt to show socioeconomic status with regard to school libraries.
304	Kuntz	Affirms.
335	Rep. Hopson	MOTION: Moves SB 238 to the floor with a DO PASS recommendation.
340		VOTE: 5-0-2
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Dalto, Nolan
	Chair Backlund	The motion CARRIES.
		REP. AVAKIAN will lead discussion on the floor.
345	Chair Backlund	Closes work session on SB 238.
<u>SB 238 – WORK SESSION CLOSSES</u>		
348	Chair Backlund	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3480.
351		VOTE: 6-0-1
		EXCUSED: 1 - Nolan
	Chair Backlund	Hearing no objection, declares the motion CARRIED.
353	Chair Backlund	MOTION: Moves to RECONSIDER the vote by which “MOTION: Moves HB 3480 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED”.
357		VOTE: 6-0-1
		EXCUSED: 1 - Nolan
	Chair Backlund	Hearing no objection, declares the motion CARRIED.
371	Jim Keller	Reads SMS on HB 3480. Notes the -3 and -4 amendments (EXHIBITS O & P). Informs committee of the packet created by Legislative Counsel (LC) (EXHIBIT Q). Explains there is no current fiscal presently, but the last fiscal received is available. Explains the -4 amendments.
392	Chair Backlund	Opens work session on HB 3480.
<u>HB 3480 – WORK SESSION</u>		
399	Rep. Dalto	Poses question for ODE on the -3 amendments. Explains the bill uses funds under No Child Left Behind Act (NCLB) to create Full Time Equivalent (FTE).
TAPE 72, B		
005	Bob Siewert	ODE.
008	Rep. Dalto	Informs Mr. Siewert of the information brought to attention by Legislative Fiscal (LFO).
010	Siewert	Recalls the information.
014	Rep. Dalto	Confirms.
016	Rep. Dalto	Clarifies there are opportunities for monies to be directed anywhere within ODE.
018	Siewert	Concurs. Adds it is within the constructs of federal programs under the No Child Left Behind Act (NCLB).
023	Rep. Dalto	Clarifies monies will be redistributed from other programs.

027	Siewert	Concurs as funds are fully utilized within the department.
033	Rep. Farr	Asks if there are vacancies at ODE.
037	Siewert	Responds regarding FTE.
041	Rep. Farr	Inquires if the vacancies are funded.
	Siewert	Explains which vacancies are and are not funded.
044	Rep. Farr	Clarifies the number of vacancies.
047	Rep. Dalto	MOTION: Moves to ADOPT HB 3480-3 amendments dated 4/18/03.
050		VOTE: 5-1-1 AYE: 5 - Avakian, Dalto, Farr, Scott, Backlund NAY: 1 - Hopson EXCUSED: 1 - Nolan The motion CARRIES.
054	Chair Backlund Rep. Dalto	MOTION: Moves HB 3480 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
055	Rep. Hopson	Objects and states she will vote 'no' on the bill. Refers the committee to the fiscal statements. Speaks on staff levels. Explains she is opposed the concept, as she believes TAG is already implemented.
083	Rep. Avakian	Tag services are struggling in Beaverton school district, knows personally kids who are struggling
089	Rep. Dalto	Thinks the -4 amendments are inadequate.
095		VOTE: 5-1-1 AYE: 5 - Avakian, Dalto, Farr, Scott, Backlund NAY: 1 - Hopson EXCUSED: 1 - Nolan The motion CARRIES.
101	Chair Backlund Chair Backlund	Closes work session on HB 3480. Reopens work session on HB 3564.
<u>HB 3564 – WORK SESSION</u>		
109	Rep. Dalto	MOTION: Moves to ADOPT HB 3564-1 amendments dated 3/24/03.
112		VOTE: 6-0-1 EXCUSED: 1 - Nolan Hearing no objection, declares the motion CARRIED.
116	Chair Backlund Rep. Dalto	MOTION: Moves to ADOPT HB 3564-2 amendments dated 4/18/03.
119		VOTE: 6-0-1 EXCUSED: 1 - Nolan Hearing no objection, declares the motion CARRIED.
122	Chair Backlund Rep. Dalto	MOTION: Moves HB 3564 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
125		VOTE: 5-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hopson, Nolan The motion CARRIES.
128	Chair Backlund	Discusses future bills to be heard.
131	Rep. Backlund	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. HOPSON to BE

RECORDED as voting AYE on the "MOTION: Moves HB 3564 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference".

134

Chair Backlund

137

Chair Backlund

VOTE: 6-0-1

EXCUSED: 1 - Nolan

Hearing no objection, declares the motion CARRIED.

Closes work session on HB 3564. Adjourns meeting at 2:59 PM.

-

EXHIBIT SUMMARY

A – HB 2817-8, Staff, 3 pp

B – HB 2817-3, Staff, 1 p

C – HB 2817-5, Staff, 1 p

D – SB 287-3, Staff, 3 pp

E – HB 2894-1, Staff, 4 pp

F – HB 2894, Rep. Phil Barnhart, 1 p

G – HB 3044-6, Staff, 4 pp

H – HB 3171-2, Staff, 2 pp

I – HB 3564-2, Staff, 1 p

J – HB 3564, John Dallum, 1 p

K – HB 3564, Rachel Pilliod, 1 p

L – HB 3564, OCCA, 1 p

M – SB 238, Jim Scheppke, 1 p

N – SB 238, Kelly Kuntz, 1 p

O – HB 3480-3, Staff, 1 pp

P – HB 3480-4, Staff, 3 pp

Q – HB 3480, Staff, 3 pp