

## HOUSE COMMITTEE ON EDUCATION

April 30, 2003 Hearing Room E

1:00 PM Tapes 78 - 79

**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 3044 – Work Session  
                                  SB 11A – Public Hearing  
                                  SB 761 – Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 78, A</b>		
004	Chair Backlund	Calls meeting to order at 1:20 PM. Welcomes colleagues and audience. Opens work session on HB 3044.
<b><u>HB 3044 – WORK SESSION</u></b>		
<b>006</b>	Chair Backlund	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3044.</b>
<b>012</b>		<b>VOTE: 5-1-1</b> <b>AYE:           5 - Avakian, Dalto, Nolan, Scott, Backlund</b> <b>NAY:           1 - Hopson</b> <b>EXCUSED:   1 - Farr</b> <b>The motion CARRIES.</b>
<b>020</b>	Chair Backlund Rep. Dalto	<b>MOTION: Moves to ADOPT HB 3044-6 amendments dated 4/17/03 (EXHIBIT A).</b>
024	Rep. Hopson	States she will vote against the bill as it is unnecessary and an unfunded mandate to school districts.
<b>035</b>	Rep. Dalto	<b>MOTION: Moves HB 3044A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
<b>040</b>		<b>VOTE: 4-2</b> <b>AYE:           4 - Dalto, Nolan, Scott, Backlund</b> <b>NAY:           2 - Avakian, Hopson</b> <b>EXCUSED:   1 - Farr</b> <b>The motion CARRIES.</b>
052	Chair Backlund Chair Backlund	Closes work session on HB 3044. Opens public hearing on SB 11A.
<b><u>SB 11A – PUBLIC HEARING</u></b>		
065	Amy Sagg	Private citizen. Testifies against SB 11A. Lists reasons for

		opposition.
110	Ernie Blatz	Private citizen. Testifies in opposition to SB 11A. Speaks on the merits of county involvement in the issue.
	Jean Underhill	Oregon Farm Bureau. Submits written testimony on SB 11A <b>(EXHIBIT B)</b> .
184	Senator Ted Ferrioli	Senate District 30. Testifies in favor of SB 11A. Provides background on the issue of consolidation of school districts. Explains the bill. Believes there should be one mechanism for consolidation of school districts.
251	Rep. Dalto	Requests an indication of why some citizens in The Dalles may oppose the issue.
257	Sen. Ferrioli	Believes some citizens believe the issue is populist.
275	Rep. Hopson	Inquires about the sequencing of merger of school districts.
278	Sen. Ferrioli	Responds about the support needed for a merger to occur.
285	Rep. Hopson	Asks if fiscal concerns require consent for the merger.
294	Sen. Ferrioli	Believes consolidation is an efficient method. Notes he does not support any amendments to the bill.
309	John Marshall	Oregon School Boards Association (OSBA). Testifies in favor of SB 11A. Believes current statute is archaic and explains current county units. Speaks on the citizen involvement in county consolidation.
<b>TAPE 79, A</b>		
005	Marshall	Continues. Believes there are ample opportunities for school districts to change.
017	Rep. Hopson	Requests how many mergers have occurred where both parties agreed.
021	Marshall	Responds he is not aware of an school districts who requested a merger except for one.
027	Jack Henderson	Superintendent, Dufur School District. Testifies in favor of SB 11A <b>(EXHIBIT C)</b> . Speaks on the situation in Dufur School District in relation to the issue.
080	Rep. Nolan	Clarifies the number of students in his district.
082	Henderson	Lists the 270 students overall
084	Rep. Nolan	Requests if the school district should already have been consolidated.
086	Henderson	Negates and speaks of past mergers.
103	Rep. Nolan	Requests he approximate per student budget.
106	Henderson	Responds the budget is 2.2 million per year
110	Rep. Nolan	Considers per student budget around 9-10k. Asks if the district receives a small school subsidy.
115	Henderson	Affirms.
118	Rep. Nolan	Reconciles small school operation costs appearing normal with larger per student budget due to subsidy.
124	Henderson	Responds.
126	Rep. Nolan	Explains her premise that it is at a higher cost to run small schools.
130	Henderson	Concurs.
132	Rep. Nolan	Comments.
135	Marshall	Explains the issue is not of small and large school districts. Notes the issue is the mechanism local citizens are allowed for decisions such as this.
151	Rep. Dalto	Requests the superintendent continue his testimony.
154	Henderson	Speaks on a related bill.
166	Michelle Hammel	Citizen of Dufur, Wasco County. Testifies in favor of SB 11A

214 Chair Backlund **(EXHIBIT D)**. Speaks on the concept of the current statute with regard to majority vote. Believes the bill will assist school. Speaks on the bill. Notes action will not be taken today and the bill will return Friday, May 2, 2003. Closes public hearing on SB 11A. Opens public hearing on SB 761.

**SB 761 – PUBLIC HEARING**

230 Senator Bruce Starr Senate District 15. Testifies in favor of SB 761 **(EXHIBIT E)**. Notes the -4, -5, -7, -8 amendments **(EXHIBITS F-I)**. Explains the -4, -7, and -8 amendments. Discusses issues raised in the Senate that have been noted by the amendments. Requests the -4, -7, -8 amendments be adopted as they are his own.

337 Rep. Farr Addresses issues discussed in the -8 amendments.

342 Sen. Starr Responds.

347 Rep. Dalto Requests he differentiate excused and unexcused absences.

356 Sen. Starr Requests he ask the witnesses to follow.

363 Rep. Dalto Explains that thirty days listed by the -8 amendments is a small indication of truancy.

379 Sen. Starr Responds with the intent of the law with normal attendance being a prerequisite.

394 Rep. Dalto Appreciates his efforts.

405 Rep. Farr Speaks on the requirements outlined by the amendments being supported by citizens he has spoken with.

420 Sen. Starr Responds he is pleased with the outcome.

425 Rep. Hopson Requests if the amendments are more restrictive than the original bill.

438 Sen. Starr Differentiates notification and testing requirements to illustrate changes with the amendments.

463 Rep. Nolan Asks if any attempt has been made to estimate the cost of education service districts (ESD) to obtain information required by the -8 amendments.

**TAPE 78, B**

015 Sen. Starr Responds that he has not, but believes the cost will be minimal as the information already is required.

027 Steve Novick Assistant to Superintendent Susan Castillo, Oregon Department of Education (ODE). Provides that Superintendent Castillo is still opposed to the bill and all amendments. Explains various situations of concern. Notes Superintendent Castillo appreciates Sen. Starr's work on the measure.

049 Randy Harnisch ODE. Explains the -5 amendments brought forward regarding time restraints. Speaks on discussions with education officials. Notes concern exists for registration and testing requirements.

071 Rep. Hopson Clarifies whether a home school child receives services from an ESD, who bears the cost.

084 Harnisch Does not believe that is clear in the -7 amendments or the bill.

090 Rep. Hopson Speaks on the intent of testing requirements and registration requirements set out by the -8 amendments.

098 Harnisch Offers his interpretation of the -8 amendments.

105 Chair Backlund Discusses ESD involvement in other aspects of student life. Questions community college involvement.

120 Harnisch Does not believe community colleges are addressed

129 Chair Believes it is something that should be addressed if it is not.

137 Kevin Starrett Home School Parent. Testifies in favor of SB 761. Does not subscribe to the contention that the existing law does anything to stop unlawful parents.

176	Rep. Dalto	Asks if he believes families are abusing the home school law
180	Starrett	Responds he is confident that those who abuse the law are most likely participating in other illegal activities.
190	Rep. Dalto	Restates his questions and asks if he disagrees with previous testimony that home school law is being taken advantage of.
196	Starrett	States he has no personal knowledge of parents taking advantage of home school law.
202	Chair Backlund	Asks if he is supportive of the amendments.
205	Starrett	Discusses various aspects of proposed amendments.
217	Marilee Warkentin	Home School Parent. Testifies in opposition to SB 761 <b>(EXHIBIT J)</b> as it may reduce the education some students currently receive.
258	Rep. Hopson	Requests her involvement in home school testing for ESDs.
261	Warkentin	Lists the requirements of test facilitators in Oregon.
274	Rep. Hopson	Asks if she is hired by the ESD.
278	Warkentin	Negates and explains she is hired by home school parents.
283	Dorothy Karman	Oregon Christian Home Education Network (OCHEN). Testifies in favor of SB 761.
295	Chair Backlund	Recommends an interpretation of the amendments.
300	Karman	Discusses the -8 amendments regarding habitually truant students. Responds to Rep. Farr's earlier question on notification requirements for home school students. Speaks on work with ESD's on the measure. Concurs with Mr. Perry's concerns with the amendments. Addresses the committee's previous questions on the measure.
<b>TAPE 79, B</b>		
005	Karman	Speaks on General Equivalency Diploma (GED) application and attainment. Does not know of a law proposed or current regarding community college attendance. Comments on her own work for home education
057	Rep. Hopson	Understands the amendments would allow for children who never entered the system, would never be registered.
064	Karman	Affirms.
066	Rep. Hopson	Asks about the determination of arbiters.
069	Karman	Responds that ESDs should determine arbiters.
072	Rep. Hopson	Asks how new students are identified especially in cases of special needs.
075	Karman	Notes a federal provision 'Child Find' to allow for all student to be tested for special needs.
096	Rep. Hopson	Speaks on the -8 amendments and asks about unexcused absences and truancy matters.
105	Karman	Responds that Mr. Perry and the ESDs created that.
111	Rep. Nolan	Clarifies that students who are home schooled are often home schooled all their lives and would never be subject to the -8 amendments.
120	Karman	Affirms and explains that private school students are not subject in that way.
132	Rep. Nolan	Thinks the difference is that society desires to educate all children through public, private, home schools and that through testing, this acknowledgement occurs.
146	Karman	Believes this is a philosophical issue of discussion. Cites <i>Wisconsin v. Yoder</i> . Speaks on private education matters and believes equality should be available to
190	Rep. Nolan	Explains she was clarifying her position on the bill.

198	Chair Backlund	Notes HJR 56 will not be heard.
200	Brian Ray	Testifies in favor of SB 761 ( <b>EXHIBIT K you don't have</b> ).
265	Amy Grant	OCHEN. Addresses member questions of absences.
280	Chair Backlund	Explains absences being excused and unexcused.
286	Grant	Asks if parents could take a child on vacation and have it be excused.
290	Chair Backlund	Believes so.
293	Grant	Explains the ESD proposals existent in the -8 amendments.
306	Chair Backlund	Requests that if testing is removed, how the state can be sure children are achieving.
310	Grant	Believes there are several ways to measure accomplishments and adds her philosophical disagreement with state involvement.
335	Rep. Dalto	Remarks.
340	Grant	Speaks on the language in the -4 and -5 amendments being acceptable to the OCHEN.
350	Rep. Farr	Requests how the testing is funded.
355	Grant	Answers that parents pay in most circumstances.
371	Rep. Farr	Requests if home school parents pay property taxes.
373	Grant	Affirms.
374	Rep. Farr	Asks if there is a cap placed on property tax for parents of home school students.
375	Grant	Negates. Addresses questions on arbiters.
390	Rep. Hopson	Explains her concerns with the work being left to administrators in that area.
400	Grant	Notes her preference is that arbitration does not fall to administration. Explains it is a compromise. Continues to address previous questions.
444	Chair Backlund	Informs there will be no work session on SB 761. Adjourns at 3:12 PM.

## **EXHIBIT SUMMARY**

- A – HB 3044-6, Staff, 4 pp**
- B – SB 11A, Jean Underhill, 1 p**
- C – SB 11A, Jack Henderson, 1 p**
- D – SB 11A, Michelle Hammel, 1 p**
- E – SB 761, Sen. Bruce Starr, 3 pp**
- F – SB 761-4, Staff, 1 p**
- G – SB 761-5, Staff, 1 p**
- H – SB 761-7, Staff, 1 p**
- I – SB 761-8, Staff, 2 pp**
- J – SB 761, Marilee Warkentin, 1 p**
- K – SB 761, Brian Ray, 9 pp**