

# HOUSE COMMITTEE ON EDUCATION

April 9, 2003 Hearing Room E

1:00 PM Tapes 62 - 63

**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**

**ISSUE/MEASURES HEARD:**        **HB 3504 – Public Hearing**  
  **HB 2575 – Public Hearing and Work Session**  
  **Informational Meeting – Minority Teacher Report**  
  **HB 2600 – Work Session**  
  **HB 2744 – Work Session**

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 62, A</b>		
004	Chair Backlund	Calls meeting to order at 1:10 PM. Welcomes colleagues and guests. Opens public hearing on HB 3504.
<b>HB 3504 – PUBLIC HEARING</b>		
010	Jim Keller	Committee Administrator. Reads Staff Measure Summary (SMS). Notes amendments ( <b>EXHIBIT A</b> ).
019	Rep. Gordon Anderson	House District 3. Testifies in favor of HB 3504. Speaks on the problem of student conflicts for schools and school districts. Comments on the overall benefits of the peer review committee. Explains the intent of the -1 amendments. Notes private schools could not be included due to the relating to clause.
072	Chair Backlund	Clarifies the issue was brought forth by citizens in Grant Pass.
075	Rep. Anderson	Affirms and explains the situation that began the legislation. Informs the committee of the intent on
097	Rep. Nolan	Asks if it his understanding that the bill as amended would include all civil suits. Poses situation.
112	Rep. Anderson	Believes the judge should be the determinant in said case.
117	Rep. Nolan	Notes the language says 'shall' and may not provide a judge with discretion. Asks about liability in other cases.
124	Rep. Anderson	Comments on the 'shall' versus 'may' usage.
128	Rep. Nolan	Wants to know how this would apply.
134	Chair Backlund	Requests clarification of the parties and the civil action.
138	Rep. Nolan	Adds to the request. Believes the action is sweeping.
143	Rep. Scott	Speaks on out of court settlements and qualifications of prevailing parties in said situation.
152	Rep. Avakian	Explains prevailing parties. Believes the bill as amended reads to

		include all civil actions. Notes the bill would mandate the awarding of attorney fees.
177	Rep. Hopson	Comments.
179	Chair Backlund	Notes a work session will not occur. Closes work session on HB 3504. Opens work session on HB 2575.
<b><u>HB 2575 – PUBLIC HEARING</u></b>		
198	Jim Keller	Reads SMS on HB 2575. Notes amendments ( <b>EXHIBITS B-E</b> ).
204	Chair Backlund	Recalls the past discussion on HB 2575.
210	Elise Lunas	Teacher, Clackamas County. Testifies in favor of HB 2575 ( <b>EXHIBIT F</b> ). States she supports the bill as it clarifies current statutes. Voices concerns with the measure. Provides educational history and experience with teacher licensure. Poses questions concerning Teacher Standards and Practices Commission (TSPC) handling of the issue.
279	Rep. Hopson	Asks her opinion on including substitute teaching in the experience required for licensure.
287	Lunas	Affirms and explains it would be appropriate.
300	Rep. Hopson	Asks if she has been evaluated in the same manner as a permanent teacher.
305	Lunas	States in her long term assignments she has been evaluated.
313	Chair Backlund	Closes public hearing and opens work session on HB 2575.
<b><u>HB 2575 – WORK SESSION</u></b>		
316	Chair Backlund	Informs the committee of his intention to move the -1 amendments. Comments on the requirement of a master's degree. Notes the -2 amendments need work.
364	Rep. Nolan	Questions the remaining amendments.
368	Chair Backlund	Explains the -3 is an alternative brought by Vickie Chamberlain of TSPC.
400	Rep. Nolan	Does not feel that she is in a position to decide on licensing requirements and feels the -1 give them that authority. Believes the -3 amendment allows the professionals in the area make the decisions.
<b>TAPE 63, A</b>		
002	Chair Backlund	Responds that as a former teacher he has reflected on the necessity of a master's degree to be a teacher on top of other requirements.
015	Rep. Nolan	Explains she cannot properly evaluate licensing.
017	Chair Backlund	Thinks the committee is a policy setting one and that the move is necessary.
023	Rep. Hopson	Concurs with Rep. Nolan. Explains she is not convinced the master's degree requirement is unnecessary. Believes the TSPC should handle the policy in the field. Acknowledges there are difficulties. Explains she has difficulty with the amendments.
035	Rep. Farr	Believes he has received enough evidence and agrees with the Chair on the matter.
049	Rep. Avakian	Wonders if Ms. Chamberlain could testify.
054	Vickie Chamberlain	TSPC. Explains the -1 amendments tie the hands of TSPC on licensure requirements. Points out teachers can receive an initial license without a master's degree.
062	Chair Backlund	Asks if lines 1-3 were removed 4-6 could suffice.
064	Chamberlain	Comments.
066	Chair Backlund	Explains the -4.
070	Chamberlain	States TSPC does not support the committee's action on HB 2575 amended with the -1 amendments.

085	Chair Backlund	Requests what amendments the TSPC would agree with.
090	Chamberlain	Offers the -4 amendments are tolerable.
095	Chair Backlund	Notes the clarity the -1 amendments provides. Thinks the -4 could suffice. Points out only eight states require a master's degree. Notes No Child Left Behind (NCLB) does not require a master's degree. Requests motion.
<b>110</b>	<b>Rep. Farr</b>	<b>MOTION: Moves to ADOPT HB 2575-1 amendments dated 2/25/03.</b>
114	Rep. Nolan	Does not understand the matter. TSPC gives licenses based on experience. Reiterates public record provided for her does not give her the authority to decide. Voices concern on passing legislation prohibiting a commission from what it should do.
130	Chair Backlund	Responds.
<b>135</b>		<b>VOTE: 4-3</b>
		<b>AYE: 4 - Dalto, Farr, Scott, Backlund</b>
		<b>NAY: 3 - Avakian, Hopson, Nolan</b>
	<b>Chair Backlund</b>	<b>The motion CARRIES.</b>
141	Chair Backlund	Closes work session on HB 2575. Opens informational meeting.
<b><u>INFORMATIONAL MEETING</u></b>		
159	Holly Zanville	Oregon University System (OUS). Explains the Minority Teacher Report ( <b>EXHIBIT G</b> ). Informs the committee of work on the issue regarding employment of minorities. Notes many of the initiatives are federally funded. Informs the committee of the recent presentation.
214	Vickie Chamberlain	TSPC. Explains the overall intent is equity in employment. Explains the TSPC can do nothing in raising the number of minority students in the university system, but it can help recruit teachers. Voices concern that recruitment is not great enough.
245	Zanville	Notes a large increase in minority candidates for teaching positions.
260	Chair Backlund	Comments on the report. Notes there are more minority teachers prepared outside of Oregon than those prepared within the state.
270	Zanville	Responds to the comments. Believes the districts have been aggressive but that incentives are not as attractive as other states.
280	Rep. Hopson	Hopes the report continues. Asks if there is discussion on gender differences particularly in administrative areas.
290	Zanville	Explains some study has been done in those areas.
308	Chair Backlund	Reminds the committee of Jim's recent employment.
313	Chamberlain	Requests the committee reopen the work session on HB 2575.
316	Rep. Nolan	Observes the report totals on page five to illustrate the increase in overall student population while at the same time 1,000 teachers have been reduced over three years.
330	Chair Backlund	Notes class sizes have increased. Closes informational meeting and reopens work session on HB 2575.

**HB 2575 – WORK SESSION**

345	Vickie Chamberlain	TSPC. Urges the committee to reconsider the -4 amendments and not the -1 amendments. Explains the -1 will cause an enormous problem with teacher licensure. Notes the financial impact could be significant. Believes -4 would accomplish the committee's intent.
390	Chair Backlund	Concurs he is inclined to move the -4 amendments. Closes the work session on HB 2575. Opens work session on HB 2600.

**HB 2600 – WORK SESSION**

400	Jim Keller	Explains that when the bill was first passed, the subsequent referral was rescinded and upon fiscal analysis the impact of the bill will require a referral to Ways and Means.
410	<b>Chair Backlund</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2600.</b>
415		<b>VOTE: 7-0</b>
	<b>Chair Backlund</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
421	<b>Rep. Hopson</b>	<b>MOTION: Moves HB 2600 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
427		<b>VOTE: 7-0</b>
	<b>Chair Backlund</b>	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
<b>TAPE 62, B</b>		
002	Chair Backlund	Explains reconsideration on HB 2575 cannot occur today. Opens a work session on HB 2744.
<b><u>HB 2744 – WORK SESSION</u></b>		
007	Jim Keller	Reads SMS on HB 2744.
013	Chair Backlund	Comments on the amendments.
017	Cindy Hunt	Legislative Counsel (LC). Speaks on amendments ( <b>EXHIBIT H</b> ). Explains the -16 amendments ( <b>EXHIBIT I</b> ). Notes the concept of health inclusion in the -16 amendments.
027	Chair Backlund	Clarifies difference between the -15 and -16 amendments.
032	Hunt	Affirms.
036	Rep. Nolan	Inquires about Certificate of Initial Mastery (CIM) endorsements and receipts.
040	Hunt	Believes endorsements would be left up to school districts as the amendment does not specify that.
048	Rep. Farr	Informs the committee of an issue discussed at a meeting with the Chair.
051	Rep. Nolan	Explains her understanding of the purpose of the -16 is to create a uniform definition of CIM to the world. Voices concern that endorsements may imply receipt of a CIM and that this could devalue actual receipt
062	Rep. Hopson	Recalls Mr. Rose's testimony
073	Chair Backlund	Clarifies the meetings with the Vice Chair and Mr. Keller. Interprets the intent of the CIM.
080	Rep. Avakian	Believes that if that is the intent it would be good to have that recognized in statute. Comments on the policy reasons for requiring a CIM prior to endorsements.
092	Chair Backlund	Thinks a CIM should demonstrate basic comprehension of fundamentals.
100	Rep. Avakian	Responds that Oregon's vision for education does not have to coincide strictly or be mandated by the federal government by the No Child Left Behind (NCLB) Act.
107	Chair Backlund	Replies that as a former history teacher, he would like to concur. Explains his intent to be realistic.
115	Rep. Avakian	Responds that CIM can still comply with NCLB. Speaks on a more holistic approach.
125	Chair Backlund	Recalls earlier goals of CIM to illustrate goals of HB 2744.
142	Rep. Hopson	Echoes Rep. Nolan's earlier beliefs of the need for a universal understanding of the CIM and what it entails. Asks Ms. Hunt if

164	Hunt	there should be language that defines the core CIM. Suggests that the question has been raised of the need to specify CIM receipt and CIM endorsements. Notes Mr. Rose's real intent.
182	Chair Backlund	Refers to page eleven of the -16 amendments.
184	Rep. Avakian	Speaks on section five regarding health and notes it is not listed as one that needs requirements.
187	Hunt	Explains that was a mistake and conceptual amendments.
190	Rep. Dalto	Asks about second language.
195	Hunt	Explains that the language means foreign language and American Sign Language.
209	Chair Backlund	Comments on conceptual amendments and provides possible clarifications.
220	Rep. Nolan	Believes there is a problem with the language regarding endorsements
239	Chair Backlund	Notes that a conceptual amendment is not possible.
243	Rep. Hopson	Voices concern of the public understanding of the language.
261	Hunt	Notes a 'diploma endorsement' would add a problem as 'diploma' is not currently in statute requirements and is up to districts.
275	Rep. Hopson	Comments.
282	Chair Backlund	Comments.
285	Rep. Avakian	Asks about a difference in endorsements in subject areas.
290	Hunt	Responds regarding health.
295	Rep. Avakian	Clarifies old and new amendments.
300	Hunt	States she believes that is the same, but the option of the school district's requirements for offerings may change.
308	Rep. Avakian	Clarifies.
316	Hunt	Affirms.
320	Chair Backlund	Clarifies.
328	Rep. Hopson	States her belief of the language of the -16 amendments.
337	Rep. Avakian	Remarks.
340	Chair Backlund	Speaks on the problems with the -16 amendments.
345	Rep. Farr	Offers a change to the language of endorsements.
357	Hunt	Responds.
368	Rep. Farr	Believes language may allow school districts to determine attachment to endorsements.
389	Hunt	Responds regarding endorsements. Believes the language makes the decision up to districts, but may not be read that way by others. Has other language to clarify
<b>TAPE 63, B</b>		
004	Rep. Farr	Offers he would be fine with those changes.
006	Rep. Scott	Comments.
012	Chair Backlund	Asks if amendments can be conceptual.
014	Hunt	Responds they are possible, but the preference is to return with some.
018	Chair Backlund	Notes the fiscal is still needed. Thinks Friday would be a time to do more amendments.
024	Rep. Farr	Asks if the committee can proceed without a fiscal statement.
026	Hunt	Responds.
029	Chair Backlund	Asks if new amendments could be a 'gut and stuff'.
031	Hunt	Affirms.
033	Jim Green	Oregon School Boards Association (OSBA). Brings up issues of charter school inclusion for 2003-2004 would change the

		contracts charter schools have right now and believes that wording for charter schools should be changed.
044	Hunt	Contracts cannot be changed with the law. Adds that from a policy perspective the action may not be good.
050	Green	Notes the Center for Advanced Learning has waivers that do not include all the standards. Comments.
063	Chair Backlund	Asks if concerns could be brought to current law.
067	Green	Responds that there are waivers granted by state to charter schools addressing the Certificate of Advanced Mastery (CAM) already.
073	Chair Backlund	Informs the CAM has been delayed.
075	Green	Understands, and speaks on waivers.
084	Rep. Hopson	Asks about waivers regarding ODE.
085	Hunt	Responds regarding waivers currently allowed by statute. Notes mandatory subjects are in the amendments of HB 2744. Difficult to speculate.
102	Green	Informs that adding health may impair current contracts.
104	Chair Backlund	Explains health is optional for purposes of the CIM.
110	Hunt	Adds that charter schools will not be required to have a CIM with HB 2744, uncertain some charter schools have agreed to follow CIM.
115	Green	Affirms there are some.
118	Chair Backlund	Believes the amendments are now more than conceptual. Requests Ms. Hunt work with Mr. Green on the matter.
124	Hunt	Clarifies the amendments will be separate and that she will work with Mr. Green.
130	Chair Backlund	Concurs the amendments will be separate. Adjourns the meeting at 2:52 PM.

## **EXHIBIT SUMMARY**

**A – HB 3504-1, Staff, 2 pp**

**B – HB 2575-1, Staff, 1 p**

**C – HB 2575-2, Staff, 1 p**

**D – HB 2575-3, Staff, 1 p**

**E – HB 2575-4, Staff, 1 p**

**F – HB 2575, Elise Lunas, 2 pp**

**G – Informational, Holly Zanville, 62 pp**

**H – HB 2744-11, Staff, 3 pp**

**I – HB 2744-16, Staff, 23 pp**