

## SENATE COMMITTEE ON EDUCATION

April 10, 2003  
3:00 PM

Hearing Room C  
Tapes 59 - 61

**MEMBERS PRESENT:**     **Sen. Charles Starr, Chair**  
                                  **Sen. Ryan Deckert, Vice-Chair**  
                                  **Sen. Ted Ferrioli**  
                                  **Sen. Bill Morrisette**

**STAFF PRESENT:**       **Jan McComb, Committee Administrator**  
                                  **Heather Gravelle, Committee Assistant**

**MEASURES HEARD:**       **SB 350 – Public Hearing**  
                                  **SB 372 – Public Hearing**  
                                  **SB 272 – Public Hearing**  
                                  **SB 849 – Public Hearing**  
                                  **SB 850 – Public Hearing**  
                                  **SB 129 – 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>
<b>TAPE 59, A</b>		
005	Chair C. Starr	Calls meeting to order at 3:15 p.m., and opens public hearing on SB 350.
<b><u>SB 350 – PUBLIC HEARING</u></b>		
010	Sen. Morrisette	Senate District 6. Offers testimony in support of SB 350. Explains the history and background of the issue. Enters into the record written testimony ( <b>EXHIBIT A</b> ) from Cynthia Sinclair.
065	Cindy Hunt	Legislative Counsel. Offers testimony regarding SB 350. Outlines those to whom the bill would apply.
085	Sen. Morrisette	Asks for an outline of the proposed fines.
090	Hunt	Clarifies the fines as stated in the bill.
100	Chair Starr	Closes public hearing on SB 350, and opens public hearing on SB 372.
<b><u>SB 372 – PUBLIC HEARING</u></b>		
115	Chair Starr	Recalls previous discussions regarding the bill.
115	John Marshall	Oregon School Boards Association (OSBA). Offers testimony regarding SB 372. Summarizes the dispute between the Ione and Morrow County School districts.
170	John Witty	Attorney, Morrow County School Board. Offers testimony regarding SB 372.
195	Chair Starr	Comments on progress being made on the issue.
200	Gary Frederickson	Vice-Chair, Morrow County School Board. Points out interest in moving the issue forward.
225	Sen. Ferrioli	Inquires whether the next meeting on the issue can be scheduled for a definite date, referencing the time constraints facing the committee.
240	Frederickson	Acknowledges.
245	Chair Starr	Announces his intention to pass the bill out of committee, in its

final form, one week from today. Closes public hearing on SB 372 and opens public hearing on SB 272.

**SB 272 – PUBLIC HEARING**

270	John Marshall	Oregon School Board Association (OSBA). Offers testimony in support of the -1 amendments ( <b>EXHIBIT B</b> ) to SB 272.
345	Frank Brawner	Fair Dismissal Appeals Board (FDAB). Offers written testimony ( <b>EXHIBIT C</b> ) in support of the -1 amendments to SB 272. Comments on the make-up and function of the FDAB. States his history and involvement in the FDAB.
<b>TAPE 60, A</b>		
005	Brawner	Continues with testimony in support of the -1 amendments to SB 272.
035	Steve Krohn	Assistant Attorney General, Department of Justice (DOJ). Offers testimony in support of the -1 amendments to SB 272. Provides an example of the problem being faced by the FDAB.
065	Brawner	Comments on a meeting he had with the director of Oregon Youth Authority regarding the issue. Urges the committee to address the FDAB's concerns by adopting the -1 amendments to SB 272.
085	Sen. Morrisette	Asks what information might be found in a students file.
090	Krohn	Comments on what information might be relevant from the student's file.
105	Brawner	Provides a hypothetical situation in which information in a students file could be utilized.
125	Sen. Morrisette	Offers another hypothetical situation, questioning how the students file would be used in the example.
135	Krohn	Addresses the proposed hypothetical situation, outlining the process conducted by the FDAB.
145	Sen. Morrisette	Further clarifies the limit of what information could be obtained from the students file.
150	Brawner	Acknowledges the clarification, and further comments on the issue.
155	Sen. Morrisette	Points out his experience as a teacher, and subsequently his interest in protecting teachers from false accusations.
160	Brawner	Recalls having subpoenaed students who have given false information.
170	Sen. Ferrioli	Points out the bill would keep any records from being copied, observing that this would create some procedural problems.
195	Brawner	Acknowledges.
200	Sen. Ferrioli	Questions whether the bill properly limits those documents which may be viewed.
220	Brawner	Submits that the FDAB would only want those specific documents relative to the case being heard.
225	Sen. Ferrioli	Reiterates the apparent breadth of documents allowed to be reviewed, as the bill is currently written. Points out the bill does not ensure that copies of any records would be secured after the hearing.
235	Brawner	Comments on the security of the documents, and further expresses the need for portions of the student file.
245	Sen. Ferrioli	Clarifies specific wording in Mr. Brawner's testimony which states that the hearings are private unless public disclosure is allowed by each involved party. Asks whether there is any provision for keeping the student records sealed while keeping the hearing public.

265	Krohn	States the need to further research the answer to the question.
270	Sen. Ferrioli	Comments on the difficulties surrounding the issue, and the need for resolution. Asks whether there is a penalty for violation of a nondisclosure agreement.
295	Krohn	Recalls that no such penalty exists in the current bill, but indicates there may be relevant provisions currently in statute.
300	Brawner	Points out the secrecy oaths taken by the FDAB panel members. Further comments on the issues regarding public meetings and the possible effect of discouraging cases from coming forward.
305	Sen. Ferrioli	Acknowledges, providing similar cases in which defendants push for public disclosure in order to affect witness testimony.
325	Brawner	Expresses hope that the issues could be addressed through amendments, and that the issue can go further in the legislative process.
345	Karen Brazeau	Director, Oregon Youth Authority (OYA). Offers written testimony ( <b>EXHIBIT D</b> ) in opposition of the -1 amendments to SB 272.

**TAPE 59, B**

005	Brazeau	Continues with testimony in opposition of the -1 amendments to SB 272. Questions Mr. Krohn's assertion that he is representing the DOJ's stance on the issue.
045	Sen. Morrisette	Questions whether the issue can be adequately addressed in a short timeframe.
050	Brazeau	Comments on the possibilities of coming to an agreement on the issue.
070	Sen. Morrisette	Clarifies that there is currently an appeals process.
075	Brazeau	Acknowledges.
080	Chair Starr	Comments on his perceptions regarding the progress of the bill.
090	Nancy Miller	Director of Court Programs and Services Division, State Court Administrators Office (SCAO). Offers testimony in opposition of SB 272 -1 amendments, explaining what records would be viewable under the bill as written.
105	Susan Russell	Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 272 and the -1 amendments.
140	Dr. Orin Bolstead	Psychologist. Offers testimony in opposition of the -1 amendments to SB 272.
175	Chair Starr	Closes public hearing on SB 272. Opens a subcommittee of the committee, and opens a public hearing on SB 849 & SB 850.

**SB 849 & 850 – PUBLIC HEARING**

195	Margaret DeLacy	Oregon Association for Talented and Gifted. Offers written testimony ( <b>EXHIBIT E</b> ) in support of SB 849 & SB 850 regarding Talented and Gifted (TAG) programs. Enters into the record; Concerning Talented and Gifted Students in Oregon ( <b>EXHIBIT F</b> ), and TAG Expenditures by District and the State of Oregon 1999-2003 ( <b>EXHIBIT G</b> ).
310	Bob Siewert	Oregon Department of Education (ODE). Offers testimony in opposition to SB 849.
400	Siewert	Offers testimony in support of SB 850.
420	Sen. Morrisette	Expresses his support for the TAG programs.
<b>TAPE 60, B</b>		
005	Siewert	Further comments on the future of TAG programs.
010	DeLacy	Acknowledges and addresses Mr. Siewert comments.
025	Robin Pope	Beaverton, Oregon. Offers written testimony ( <b>EXHIBIT H</b> ) in support of SB 849 and SB 850.

060	Sen. Morrisette	Concurs with Ms. Pope's assertion that TAG students' needs are often not met in the public school system.
065	Pope	Points out that Oregon has a TAG mandate in statute, but recalls that it is an unfunded mandate.
070	Sen. Morrisette	Submits there may be a need to pursue the matter through litigation.
075	Pope	Expresses doubt that this would be the way to solve the issue of TAG funding.
080	Sen. Morrisette	Comments on the occurrence of TAG students being misdiagnosed for hyperactive disorders and subsequently medicated.
085	Pope	Explains that this was the case with her son.
090	Laura Pehkonen	Oregon Association for Talented and Gifted. Offers testimony in support of SB 849 and SB 850. Submits writing samples <b>(EXHIBIT I)</b> of a TAG student who did not receive the proper attention in school.
120	Greg Goodenough	Salem, Oregon. Testifies in support of SB 849 and SB 850. Offers written testimony <b>(EXHIBIT J)</b> from his mother; Betty Goodenough-Palmer, Gifted Education Coordinator for La Grande Public Schools.
150	Sen. Kate Brown	Senate District 21. Testifies in support of SB 849 and 850.
185	Chair C. Starr	Comments on a special situation in Ohio which addressed the difficulty with addressing the needs of TAG students.
215	Dr. Paula Wilkes	Coordinator, Center for Gifted Education, Pacific University. Offers written testimony in support of SB 849 and SB 850 <b>(EXHIBIT K)</b> .
295	Sen. Morrisette	Comments on the loss afforded by the state due to lack of help given to TAG students.
305	Dr. Wilkes	Acknowledges, and further comments on the criminalization and/or medication of unchallenged TAG students.
315	Sen. Ferrioli	Points out this bill's relation to previous bills heard by the committee, which also spoke to the future of Oregon and its children. Points out the failure to link students needs with teachers abilities.
345	Sen. Morrisette	Disagrees with Sen. Ferrioli's point. Observes that, when funded, TAG programs match students to teachers well.
350	Sen. Ferrioli	Points out that fifty percent of teachers leave within five years, and questions the ability of the state in motivating and keeping teachers.
365	Sen. Morrisette	Comments on the need to keep teachers motivated.
370	Dr. Marjorie DeBuse	Adjunct Assistant Professor in Teacher Education, University of Oregon (U of O). Offers written testimony in support of SB 849 and 850 <b>(EXHIBIT L)</b> .
<b>TAPE 61, A</b>		
005	Dr. DeBuse	Continues with testimony in support of SB 849 and SB 850.
050	Cheryl Hunter	Coordinator, University of Oregon Summer Enrichment Program for Highly Able Youth. Offers written testimony in support of SB 849 and 850 <b>(EXHIBIT M)</b> .
105	Chair Starr	Closes public hearing on SB 849 and SB 850. Opens public hearing on SB 129.
<b><u>SB 129 – PUBLIC HEARING</u></b>		
135	Diane Baldwin	Oregon Department of Education (ODE). Offers written testimony in support of SB 129 <b>(EXHIBIT N)</b> .
195	Chair Starr	Clarifies that the bill does not have a fiscal impact. Closes the

public hearing on SB 129, and adjourns the meeting at 5:30 p.m.

**EXHIBIT SUMMARY**

**A – SB 350, written testimony, Cynthia Sinclair, 6 pp.**

**B – SB 272, -1 amendments, John Marshall, 6 pp.**

**C – SB 272, written testimony, Frank Brawner, 6 pp.**

**D – SB 272, written testimony, Karen Brazeau, 1 p.**

**E – SB 849 & SB 850, written testimony, Margaret DeLacy, 6 pp.**

**F – SB 849 & SB 850, Documents Concerning Talented and Gifted Students in Oregon, Margaret DeLacy, 29 pp.**

**G – SB 849 & SB 850, TAG Expenditures by District and the State of Oregon 1999-2003, Margaret DeLacy, 1 p.**

**H – SB 849 & SB 850, written testimony, Robin Pope, 1 p.**

**I – SB 849 & SB 850, TAG student writing samples, Laura Pehkonen, 11 pp.**

**J – SB 849 & SB 850, submitted written testimony from Betty Goodenough-Palmer, Greg Goodenough, 4 pp.**

**K – SB 849 & SB 850, written testimony, Paula Wilkes, 30 pp.**

**L – SB 849 & SB 850, written testimony, Marjorie DeBuse, 2 pp.**

**M – SB 849 & SB 850, written testimony, Cheryl Hunter, 1 p.**

**N – SB 129, written testimony, Diane Baldwin, 3 pp.**