

**HOUSE COMMITTEE ON STUDENT ACHIEVEMENT AND SCHOOL  
ACCOUNTABILITY**

February 20, 2001  
8:30 AM

Hearing Room E  
Tapes 33-35

**MEMBERS PRESENT:**      **Rep. Vic Backlund, Chair**  
                                 **Rep. Elaine Hopson, Vice Chair**  
**Rep. Tootie Smith, Vice Chair**  
                                 **Rep. Phil Barnhart**  
                                 **Rep. Bill Morrisette**  
                                 **Rep. Donna Nelson**  
                                 **Rep. Mary Nolan**  
                                 **Rep. Bruce Starr**  
                                 **Rep. Cliff Zauner**

**MEMBER EXCUSED:**

**STAFF PRESENT:**            **Janet Adkins, Committee Administrator**  
                                 **Paula Merritt, Committee Assistant**

**MEASURE/ISSUES HEARD:**      **HB 2682 Public Hearing and Work Session**  
   **HB 2752 Public Hearing and 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.

---

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 33, A</b>		
003	Chair Backlund	Calls committee to order at 8:30 am. Opens public hearing on HB 2682.
<b><u>HB 2682-PUBLIC HEARING</u></b>		
005	Tricia Smith	Oregon School Employees Association. Submits and presents from written testimony ( <b>EXHIBIT A</b> ).
053	Smith	Continues with testimony. Explains the medical treatment of students by employees in school. Refers to ORS statutes in the written testimony.
085	Rep. Morrisette	Comments on the medical training of the individuals who treat students.
092	Smith	States that she supports more training vs. less.
101	Rep. Starr	Comments on the administering of medications.
105	Smith	Responds that an employee may not be aware that they could face personal liability.
123	Rep. Barnhart	Asks Ms. Smith how many grievance complaints have been received.
125	Smith	Responds none but wants to prevent possible future complaints.
141	Chair Backlund	Asks if she perceives this as a widespread problem.
145	Smith	Responds that she does not know because employees are loyal to their schools.
150	Rep. Morrisette	Comments on the types of drugs that are dispensed. Supports this bill.
165	Smith	Says that employees do not have the knowledge to dispense

174 Amy Hunter drugs.  
American Federation of Teachers-Oregon. Submits and presents written testimony **(EXHIBIT B)**.

199 Alan Tresidder Oregon Trial Lawyers Association. States his opposition to HB 2682. Says there are good reasons for not administering medications without training and the law requires school boards not do this. States that schools who practice this are in violation of the law.

291 Rep. Smith Asks Mr. Tresidder what he considers appropriate training. States her concern for the unavailability of nurses in schools and explains the training she has taken in the past.

321 Tresidder Explains the statute stating there must be adequate training for administering drugs and questions the adequacy.

338 Rep. Smith Addresses adequate training  
Tresidder States that the agencies develop their own training requirements.

353 Rep. Nelson Questions past cases.  
Tresidder Responds they have not had a case to date.

365 Rep. Nelson Asks if parents assume liability when permission is given.  
Tresidder Responds no the employee must still be trained.

391 Rep. Nelson Comments on administering too much or too little drug.  
399 Tresidder Responds that it requires training to do so and permission from a parent.

**TAPE 34, A**

003 Rep. Starr Asks for clarification on liability.

007 Tresidder Responds that this is a gray area and the law is vague.

018 Rep. Starr Asks if an employee alone would be liable.

015 Tresidder Responds no the school and the employee.

017 Rep. Nolan Questions the use of a waiver of rights by parents.

040 Tresidder Responds that he will consider this and get back to the committee.

050 Rep. Nolan Continues to give examples and expresses the need for the parent to take the risk.

060 Rep. Morrisette Asks Ms. Smith about an amendment to direct greater enforcement.

070 Smith Responds that she has not considered this and there are not complaints due to loyalty. Questions the need for a penalty.

117 Rep. Morrisette Suggests penalizing school districts, not the principal.

120 Smith Believes the school districts have lawyers to direct them.

140 Rep. Zauner Asks about a "whistle blower" concept.

150 Smith Responds that this approach is not necessary.

181 Tresidder Expresses the need for training of employees.

199 Rep. Nelson Comments on circumstances that occur when medications are needed.

219 Smith Expresses her concern for written consent.

220 Rep. Nelson Comments on critical situations and asks if teachers are trained in first aid.

222 Smith Answers no but it is secretaries who do this.

240 Rep. Nelson Recommends first aid for all employees.

252 Brian DeLashmutt Oregon Nurses Association. Expresses their understanding of this dilemma and clarifies there are other bills that address the broader policy issue.

311 Rep. Smith Comments on what is adequate training and states that in absence of school nurses she will support this bill.

329	Chair Backlund	Closes public hearing and opens work session.
<b><u>HB 2682-WORK SESSION</u></b>		
<b>330</b>	<b>Rep. T. Smith</b>	<b>MOTION: Moves HB 2682 to the floor with a DO PASS recommendation.</b>
366	Rep. Hopson	Mentions the severity of this issue and the possibility of potential deaths. Supports this bill.
387	Rep. Nelson	Agrees on the seriousness of this bill but believes the parent should assume responsibility.
<b>TAPE 33, B</b>		
003	Rep. Barnhart	Supports the bill but not due to the dilemma. Explains his concerns with funding issues and the need for a school nurse.
050	Chair Backlund	Voices his support of a school nurse.
057		<b>VOTE: 9-0</b>
<b>060</b>	<b>Chair Backlund</b>	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
		<b>REP. T. SMITH will lead discussion on the floor.</b>
070	Chair Backlund	Closes work session on HB 2682 and opens public hearing on HB 2752.
<b><u>HB 2752-PUBLIC HEARING</u></b>		
089	Adkins	Committee Administrator. Explains HB 2752.
090	Chuck Bennett	Confederated Oregon School Administrators (COSA). Submits and presents written testimony ( <b>EXHIBIT C</b> ).
120	Rep. Morrisette	Explains required and elective subjects and does not believe in a mandate.
137	Rep. Zauner	Asks about second language and music subjects.
140	Bennett	Responds that a second language should continue as an elective.
150	Jim Green	Oregon School Boards Association. Mentions other statutes that require language and explains that he is working with TSPC and refers to a report that he will furnish to the committee. Mentions the shortage of foreign language teachers in the Northwest.
189	Rep. Nelson	Agrees with Morrisette.
209	Rep. Morrisette	States the importance of stimulated teachers.
225	BethAnne Darby	Oregon Education Association. Supports the bill and believes that this subject be offered to all students.
242	Rep. Morrisette	Comments on college entry requirements.
245	Darby	Explains that most colleges require 2 years of a foreign language.
256	Rep. Morrisette	Asks about requirements for transfers.
261	Susan Massey	Oregon School Board. Submits and presents written testimony ( <b>EXHIBIT D</b> ). Opposes HB 2752. Explains that there are other issues here.
367	Rep. Smith	Asks Ms. Massey why the Board of Education did not waiver these issues ahead of time.
370	Massey	Explains about the timelines.
390	Rep. Morrisette	Opposes second language requirements in high school and wants to move to earlier grades.
<b>TAPE 34, B</b>		
003	Rep. Morrisette	Suggests rethinking this issue and states appreciation for Ms. Massey's opinion.
010	Massey	Mentions that the state board does not tell districts how to do their work, it is there option.
016	Bob Willner	Secretary, Confederation in Oregon for Language Teaching. Submits and reads from written testimony ( <b>EXHIBIT E</b> ). Explains the CIM. Believes there is emotion in this bill and the need for a decision now.

101	Rep. Barnhart	Explains the difficulties in school funding and asks Mr. Willner how to fund this.
128	Willner	States the need for a thorough survey and gross figures indicate that teaching requirements are not as serious as most think. Explains that there has been 2 million dollars worth of funding over the past few years for language teaching.
160	Rep. Hopson	Requests a copy of the Oregon Department of Education's (ODE) survey.
162	Rep. Nelson	Asks for survey also.
166	Willner	Refers to Page 13, Attachment B of his testimony.
168	Rep. Nelson	Asks about the survey process.
170	Wilmer	Mentions that the ODE conducted the survey for every school in Oregon as to what language and what level.
181	Dee Young	Confederation in Oregon for Language Teaching. Explains the funding cuts resulting from Measure 5 and 50. Refers to improvements in language teaching.
274	Rep. Nelson	Comments on and refers to Page 3 of the testimony and asks about another study.
325	Young	Responds that the student who begins earlier picks up faster.
343	Rep. Nelson	Asks about initiating research.
344	Young	Responds that they are volunteers.
350	Rep. Nelson	Comments on the cost for research.
362	Young	Responds he does not know but Portland is now doing documentation on this.
364	Willner	Mentions the research reports that he will bring back to the committee.
384	Chair Back	Closes public hearing and opens work session.

**HB 2752-WORK SESSION**

**Rep. Starr**

**MOTION: Moves HB 2752 to the floor with a DO PASS recommendation.**

**TAPE 35, A**

003	Rep. Barnhart	Mentions the lack of resources in school districts.
008	Rep. Hopson	Mentions the difficulty of this bill and her support for foreign language. States that we will be sending a different message if we postpone.
010	Chair Backlund	Expresses his admiration for the passion and commitment of those testifying on this bill. <b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Nolan, Zauner</b> <b>The motion CARRIES.</b> <b>REP. HOPSON will lead discussion on the floor.</b>
018	<b>Chair Backlund</b>	
092	Chair Backlund	Closes work session on HB 2752 and adjourns committee at 10:30 a.m.

Submitted By,

Reviewed By,

Paula Merritt,  
Committee Assistant

Janet Adkins,  
Committee Administrator

**EXHIBIT SUMMARY**

**A - HB 2682, written testimony, Tricia Smith, 5 pp**

**B - HB 2682, written testimony, Amy Hunter, 1 page**

**C - HB 2752, written testimony, Chuck Bennett, 1 page**

**D - HB 2752, written testimony, Susan Massey, 1 page**

**E - HB 2752, written report from Confederation in Oregon for Language Teaching, Bob Willner,  
10 pp**