

SENATE COMMITTEE ON EDUCATION

February 13, 2001 Hearing Room B
3:00 p.m. Tapes 20, 21, 22

MEMBERS PRESENT: Sen. Charles Starr, Chair
Sen. Ryan Deckert
Sen. Ted Ferrioli
Sen. Bill Fisher
Sen. Avel Gordly
Sen. Tom Hartung

MEMBER EXCUSED: Sen. Susan Castillo, Vice-Chair

STAFF PRESENT: Jan McComb, Committee Administrator
Jennifer Simmons, Committee Assistant

MEASURE/ISSUES HEARD: SB 26 – Public Hearing
SB 27 – Public Hearing
SB 250 – Work Session – carried over to 2/22/01

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.

TAPE/#	Speaker	Comments
TAPE 20, A		
003	Chair Starr	Opens meeting at 3:06 p.m. Opens public hearing on SB 26.
<u>PUBLIC HEARING – SB 26</u>		
012	Sen. George	Submits written material (EXHIBIT A). Testifies in favor of the bill.
046	Chair Starr	Asks if the surveys appear in the students' files.
056	Sen. George	Answers that the surveys are more identifiable to the student than originally thought.
075	Chair Starr	Closes public hearing on SB 26 and opens public hearing on SB 27.
<u>PUBLIC HEARING – SB 27</u>		
082	Sen. George	Testifies in favor of the bill. Gives example of a situation where a bill like this could have helped. Submits –1 amendments (EXHIBIT B).
140	Sen. Deckert	Asks if this would jeopardize a student being abused that is seeking help through a library.
152	Sen. George	Answers that it could possibly help someone to realize that abuse is going on. Also says that students would be notified that parents have access to these records.
172	Sen. Hartung	States that he does not want to discourage any child from using their libraries.
181	Sen. George	Says that he feels the same way and believes that this bill can help parents with supervision without inhibiting use of libraries by students.

195	Sen. Fisher	Asks if there is anything in the bill protecting libraries from liability.
200	Sen. George	Answers that some libraries already release this data and have possibly already weighed the liability risks.
208	Sen. Fisher	Asks if Sen. George if he would object to an amendment that would protect libraries from liability issues.
213	Sen. George	Answers that they would consider an amendment.
225	Chair Starr	Closes public hearing on SB 27 and reopens public hearing on SB 26.

PUBLIC HEARING – SB 26

236	Ed Johnston	Citizen. Toledo, Oregon. Testifies in favor of the bill. Says that these surveys have been placed in both of his children’s permanent records. Submits written material (EXHIBIT C) . Also submits written material (EXHIBIT D) .
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TAPE 21, A

001	Mary Thegg	Citizen. Toledo, Oregon. Relates personal experience of child’s survey not being anonymous.
010	Sen. Fisher	Asks how the surveys are collected from the students.
013	Johnston	Answers that they are picked up from student’s desks.
023	Sen. Deckert	Says that perhaps Mr. Johnston’s problems with his school district require local attention.
036	Johnston	Replies that he agrees and is currently running for the school board.
060	Carol Metzler	Oregon Research Institute. Reads from written testimony (EXHIBIT E) .
234	Sen. Fisher	Asks if Metzler can provide examples of the surveys.
239	Metzler	Answers that she can provide those examples for the committee at a later time.
251	Sen. Fisher	Asks if Metzler fills out surveys sent to her.
256	Metzler	Answers that she does not always fill them out. Says that parents have an opportunity already to decline survey participation.
269	Sen. Fisher	Asks if all surveys must be voluntary or just her institute’s surveys.
272	Metzler	Answers that federal guidelines require that all research must be voluntary.
281	Sen. Deckert	Says that the parents of the children whom this research helps are the parents most likely to not respond to papers from school.
303	Metzler	Says that she does agree with his point. Says that about ten percent of parents are opposed to their child filling out surveys and only forty percent respond at all.
333	Marie Hoeven	Children First for Oregon. Reads from written testimony (EXHIBIT F) .
386	Sen. Ferrioli	Asks Hoeven for her definition of informed consent.
393	Hoeven	Answers that it is when a parent is given the opportunity to object and does not.
410	Sen. Ferrioli	Says that he believes that to be implied consent. Asks if students are ever surveyed without parent knowledge.
415	Hoeven	Answers that parents are made aware by materials sent to them.
432	Sen. Ferrioli	Asks if there is a presumption of consent if the parent is not contacted.
437	Hoeven	Answers yes.
439	Sen. Ferrioli	Asks if Hoeven believes that a child can give informed consent in absence of the parent.
442	Hoeven	Answers that for the study that he is referring to the children

were late teenagers and she does believe them able to give informed consent.

Tape 20, B

003	Sen. Ferrioli	Says that he does not think any minor can give informed consent.
027	Metzler	Says that students know that they are not required to take the surveys. Also says that the current rules are reviewed and matched with federal standards.
067	Sen. Ferrioli	Asks how the survey can be pulled at a later date if the surveys are anonymous.
069	Metzler	Answers that there are two kinds of surveys; anonymous and confidential. Says that an anonymous survey cannot be tracked. Confidential surveys are tracked by code numbers. Describes the security of the codes.
082	Sen. Ferrioli	Asks if researchers are protected from disclosure issues.
085	Metzler	Answers that researchers are certified to confidentiality.
095	Sen. Ferrioli	Asks if there is an example of when a survey was disclosed to the wrong person.
098	Metzler	Answers that she cannot recall any breach of security.
116	Sen. Fisher	Asks if copies of the surveys are sent with the consent forms to the parent.
120	Hoeven	Answers that it can be different depending on the survey.
130	Sen. Fisher	Asks the question again of Metzler.
134	Metzler	Answers that the letters sent home describe the type of questions that will be on the survey.
147	Sen. Fisher	Says that it bothers him that the actual questions are not provided to the parent.
207	Metzler	Replies that it is never their intent to pull the wool over a parent's eyes.
235	Sen. Fisher	Reiterates that the parents should see the survey prior to the students taking it.
253	Metzler	Says that she appreciates Senator Fisher's concern and states that it may be a policy that can happen without passage of this bill.
277	Sen. Fisher	Asks if there is a federal law that says the state cannot require written consent from the parent.
280	Metzler	Answers none that she is aware of.
296	Chair Starr	Asks if Metzler is acquainted with the Youth Risk Behavior Survey.
300	Metzler	Answers that she is somewhat acquainted with it.
317	Sen. Deckert	Says that it would be interesting to know how much mail regarding students is actually responded to by the parents.
338	Dr. Mel Kohn	State Epidemiologist, Health Division, Department of Human Services. Reads from written testimony (EXHIBIT G). Submits written material (EXHIBIT H).

TAPE 21, B

009	Sen. Gordly	Asks if the Health Division would have trouble securing grant funding as a result of this bill.
023	Kohn	Answers yes.
028	Sen. Fisher	Expresses that it is his belief that these are traceable to the child. Also says that there are no positive questions on this survey.
073	Chair Starr	Asks if the survey being referred to is the YRB Survey.
080	Kohn	Answers that the questions on the YRB study are created by the Center for Disease Control.
105	Chair Starr	Closes public hearing on SB 26 and reopens public hearing on SB 27.

PUBLIC HEARING – SB 27

131	Ed Johnston	Testifies in favor of the bill. Says that if parents are supposed to be responsible for their children they should be able to know their children’s reading material.
157	Mary Thegg	Testifies in favor of the bill. Says that her children have come home with material that they did not understand and needed her to explain it to them.
174	Richard Burke	Lobbying Director, Libertarian Party. Testifies in favor of the bill. Gives reasons and examples for his support of the bill. Asks the committee to also support the –1 amendments.
259	Sen. Gordly	Asks how large the problem is and how many librarians or libraries Burke has questioned regarding this.
275	Burke	Answers that he is unsure how large the problem is, says that he has spoken with several librarians at several libraries.
302	Sen. Gordly	Asks if every library in the state has their own policy on this issue.
330	Burke	Answers that he does not know.
340	Sen. Deckert	Expresses his concerns that an abused child seeking help from books would not access their resources.
361	Burke	Says that problem exists under current procedures.
392	Sen. Deckert	Asks if there have been cases of retribution.
401	Burke	Answers that if whether or not there have been cases of retribution there is a need for this bill.
409	Sen. Fisher	Asks if libraries are protected from liability issues.
422	Burke	Answers that he does not know.
429	Sen. Fisher	Asks Burke if he would object to an amendment protecting libraries.
432	Burke	Answers no.
434	Sen. Fisher	Says that he doesn’t like the state interfering with a parent raising a child.
TAPE 22, A		
023	Burke	Says that the bill can meet everyone’s goals.
039	Sen. Gordly	Provides information about Multnomah County Library’s policy on releasing records.
054	Burke	States that he does not think it right for the library to currently not verify guardianship before releasing records.
069	Sen. Gordly	Asks if there is an issue in having the state fix the policy rather than at a local level.
076	Burke	Answers that he believes a state solution to be appropriate.
095	Anne Van Sickle	Director, McMinnville Public Library. Submits written testimony (EXHIBIT I) .
123	Debbie Brodie	Library Director, City of Hillsboro. Submits written testimony (EXHIBIT J) .
161	Sen. Fisher	Asks how the bill would change the existing policy.
170	Brodie	Answers that it would require a paper trail that they do not currently need to do.
192	Amanda Rich	Oregon Community College Association. Submits written testimony (EXHIBIT K) .
214	Linda Cochrane	Director, Chemeketa Community College Library. Says that she believes that this bill would also affect college libraries.
245	Sen. Fisher	Asks how many minor children use the Chemeketa library.
262	Cochrane	Answers that all community colleges allow the public to use their resources.
268	Sen. Fisher	Asks if everybody gets a card.

270	Cochrane	Answers that they can use any library card from that district or are issue visitor cards.
280	Chair Starr	Announces that SB 250 will be carried over to a later date. Closes public hearing on SB 27 and adjourns meeting at 5:15 p.m.

Submitted By,

Reviewed By,

Jennifer Simmons,
Committee Assistant

Jan McComb,
Committee Administrator

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EXHIBIT SUMMARY

A – written material, SB 26, Sen. George, oversized
B – amendments, SB 27, Sen. George, 1 pp
C – written material, SB 26, Ed Johnston, 6 pp
D – written material, SB 26, Ed Johnston, 1 pp
E – written testimony, SB 26, Carol Metzler, oversized
F – written testimony, SB 26, Marie Hoeven, 1 pp
G – written material, SB 26, Dr. Mel Kohn, 12 pp
H – written testimony, SB 26, Dr. Mel Kohn, 2 pp
I – written testimony, SB 27, Anne Van Sickle, 2 pp
J – written testimony, SB 27, Debra Brodie, 1 pp
K – written testimony, SB 27, Amanda Rich, 1 pp
L – written testimony, SB 26, Diane Elliot, 1 pp
M – written testimony, SB 26, Dr. Linn Goldberg, 2 pp
N – written testimony, SB 27, Hasina Squires, 1 pp