

## SENATE COMMITTEE ON EDUCATION

February 06, 2001 Hearing Room B  
3:00 p.m. Tapes 16 - 17

**MEMBERS PRESENT:** Sen. Charles Starr, Chair  
Sen. Susan Castillo, Vice-Chair  
Sen. Ryan Deckert  
Sen. Ted Ferrioli  
Sen. Bill Fisher  
Sen. Tom Hartung

**MEMBER EXCUSED:** Sen. Avel Gordly

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

**MEASURE/ISSUES HEARD:** Introduction of LC 3153  
SB 160 – Work Session  
SB 258 – Public Hearing and Possible 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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| TAPE/#                                | Speaker       | Comments  |
|---------------------------------------|---------------|---|
| <b>TAPE 16, A</b>                     |               |   |
| 003                                   | Chair Starr   | Opens meeting at 3: 10 p.m. Opens work session on bill introduction.  |
| <b><u>INTRODUCTION OF LC-3153</u></b> |               |   |
| 008                                   | Jan McComb    | Administrator. Explains LC 3513.  |
| 014                                   | Sen. Castillo | Invites testimony from Ron Dexter.  |
| 029                                   | Ron Dexter    | Associate Superintendent, Office of Professional-Technical Education, Department of Education. Gives the committee some information about the bill draft. |
| 041                                   | Sen. Deckert  | <b>MOTION: Moves LC 3153 BE INTRODUCED as a committee bill.</b><br><b>VOTE: 6-0</b><br><b>EXCUSED: 1 - Gordly</b>   |
| 049                                   | Chair Starr   | <b>Hearing no objection, declares the motion CARRIED. Opens work session on SB 160.</b>   |
| <b><u>WORK SESSION – SB 160</u></b>   |               |   |
| 054                                   | Jan McComb    | Gives overview of bill and amendments.  |
| 083                                   | Sen. Ferrioli | <b>MOTION: Moves to ADOPT SB 160-4 amendments dated 2/5/01.</b>   |
| 119                                   | Sen. Castillo | Asks if Senator Courtney has seen each of these amendments.   |
| 122                                   | Chair Starr   | Answers that he does not know.  |
| 145                                   | Sen. Ferrioli | Withdraws motion to adopt –4 amendments.  |
| 150                                   | Chair Starr   | Thanks Senator Ferrioli.  |
| 159                                   | Jan McComb    | Explains the three amendments again.  |
| 170                                   | Sen. Ferrioli | <b>MOTION: Moves to ADOPT SB 160-1 amendments dated</b>   |

1/12/01.

**VOTE: 6-0**

**EXCUSED: 1 - Gordly**

**Hearing no objection, declares the motion CARRIED.**

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| 181               | <b>Chair Starr</b>   |  |
| 183               | Sen. Fisher          | States that he thought that this was a physical form and not an actual physical every two years.   |
| 188               | Chair Starr          | States that he did not intend to suggest that.   |
| 193               | Sen. Fisher          | Clarifies that this bill is asking for a physical every two years. Says that he has asked for statistics that he did not receive.  |
| 256               | Dr. David Sahn       | Oregon Health Sciences University. States that Oregon does not have the type of statistics that Sen. Fisher has asked for. Says that because Oregon has not adopted a system, there is no mechanism to collect this data. Says that if this bill is passed reporting and collecting this data would be easier. |
| 330               | Sen. Deckert         | Asks Sahn what his opinion of a chiropractor performing these exams is.  |
| 341               | Sahn                 | Answers that with a small amount of education he believes that a chiropractor should be able to perform these exams.   |
| 365               | Sen. Fisher          | States that he still does not understand why they cannot come up with the statistics.  |
| 382               | Sahn                 | Reiterates that if more schools were keeping uniform records these statistics would be easier to compile.  |
| 408               | Sen. Fisher          | States that he does not see anything about record keeping in this bill.  |
| 435               | Sahn                 | States that the physician and school would have copies of the form.  |
| 440               | Sen. Fisher          | Asks if a doctor now would perform this exam and not keep a record of it.  |
| 445               | Sahn                 | Answers yes. States that it is because a lot of districts don't require it.  |
| <b>TAPE 17, A</b> |                      |  |
| 013               | Sen. Fisher          | Says that there is a Dr. Freeman in the audience that could possibly answer some questions.  |
| 019               | Dr. Thad Stanford    | Chair, Oregon School Activities Association. Submits <b>(EXHIBIT A)</b> . Says that even on a national level there is a lot of under reporting that makes it difficult to compile data.  |
| 090               | Sen. Fisher          | Says that in other data this issue has a low prevalence level.   |
| 105               | Stanford             | Says that it is high enough to need solutions such as this bill.   |
| 116               | Chair Starr          | Explains that we are dealing with both predictable and unpredictable injuries.   |
| 120               | Sen. Fisher          | States that experts should be able to prove that this bill would prevent injuries.   |
| 148               | Sen. Castillo        | Asks Stanford's opinion of -2 amendments proposed by Oregon Medical Association.   |
| 156               | Stanford             | Answers that he has just seen them and is not familiar with them. Submits <b>(EXHIBIT B)</b> .   |
| 170               | Sen. Ferrioli        | Says that he shares the concerns over lack of statistics but still sees this bill as necessary.  |
| <b>238</b>        | <b>Sen. Ferrioli</b> | <b>MOTION: Moves to ADOPT SB 160-2 amendments dated 1/30/01.</b>   |
| 239               | Sen. Fisher          | Says that he would like to know what adding "and protocol" means.  |
| 251               | Chair Starr          | Invites Dr. Michael Freeman to testify.  |
| 259               | Dr. Michael          | Clinical Assistant Professor, Oregon Health Sciences University.   |

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|                                       | Freeman                                    | Speaks about direct injuries not being predicted by these exams. Says that the exam would still be beneficial. Speaks about a chiropractor's education and ability to perform the basic exams. |
| 341                                   | Chair Starr                                | Asks witness to clarify what "and protocol" means to the bill.   |
| 349                                   | Freeman                                    | Answers that the form is the actual record, and protocol is the guideline for filling out the form.  |
| 376                                   | Sen. Fisher                                | Seeks further clarification of "protocol". Says that he believes that collecting data and maintaining records would be costly.   |
| 407                                   | Jim Anderson                               | Oregon Medical Association. Explains "protocol".   |
| 440                                   | Sen. Deckert                               | Says that he does not believe that protocol contains any costs. States that he does not like the penalty language on the -2 amendment.   |
| 460                                   | Anderson                                   | Tells the committee that there needs to be an incentive for schools to comply. Says that they are open to changing the penalty language.   |
| <b>TAPE 16, B</b>                     |  |  |
| 012                                   | Sen. Fisher                                | Says that the form is sufficient and protocol is not necessary.  |
| 038                                   | David Sahn                                 | Explains that the protocol guides the physician.   |
| 063                                   | Sen. Fisher                                | Asks if the example of a protocol is the same one that will be used.   |
| 073                                   | Anderson                                   | Answers that the protocol will be decided on through the process.  |
| 095                                   | Sen. Castillo                              | Clarifies that they want the use of the protocol to be part of statute.  |
| 101                                   | Chair Starr                                | Expresses that the protocol could be changed in the future.  |
| 116                                   | Sen. Fisher                                | States that he will not support the amendment or the bill.   |
| 143                                   | Sen. Deckert                               | States that he is uncomfortable with the amendment also, but he will vote in favor of it.  |
| <b>153</b>                            | <b>Chair Starr</b>                         | <b>VOTE: 5-1</b><br><b>AYE: 5 - Castillo, Deckert, Ferrioli, Hartung, Starr</b><br><b>NAY: 1 - Fisher</b><br><b>EXCUSED: 1 - Gordly</b><br><b>The motion CARRIES.</b>                          |
| <b>159</b>                            | <b>Chair Starr</b><br><b>Sen. Ferrioli</b> | <b>MOTION: Moves to ADOPT SB 160-4 amendments dated 2/5/01.</b>  |
| <b>163</b>                            |  | <b>VOTE: 6-0</b><br><b>EXCUSED: 1 - Gordly</b><br><b>Hearing no objection, declares the motion CARRIED.</b>  |
| <b>167</b>                            | <b>Chair Starr</b><br><b>Sen. Ferrioli</b> | <b>MOTION: Moves SB 160 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
| 170                                   | Sen. Fisher                                | Expresses hope that before the bill goes to the House Floor the statistics are prepared.   |
| <b>189</b>                            |  | <b>VOTE: 5-1</b><br><b>AYE: 5 - Castillo, Deckert, Ferrioli, Hartung, Starr</b><br><b>NAY: 1 - Fisher</b><br><b>EXCUSED: 1 - Gordly</b><br><b>The motion CARRIES.</b>                          |
| -                                     | <u>Chair Starr</u>                         | <b>SEN. COURTNEY will lead discussion on the floor.</b><br>Closes work session on SB 160 and opens public hearing on SB 258.   |
| <b><u>PUBLIC HEARING – SB 258</u></b> |  |  |
| 213                                   | Randy Harnisch                             | Oregon Department of Education. Speaking on behalf of Joanne Flint. Reads written testimony. <b>(EXHIBIT C)</b>  |
| 286                                   | Chair Starr                                | Asks if there are programs for students who have dropped out of  |

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| 297 | Harnisch     | school.<br>Answers that there is a wide range of programs for students to meet educational needs and interests. |
| 315 | Sen. Fisher  | Asks if this refers only to schools that will contract with the state.  |
| 320 | Harnisch     | Answers yes.  |
| 333 | Sen. Fisher  | Asks if it affects religious private schools or home schools.   |
| 335 | Harnisch     | Answers no.   |
| 343 | Kathy Osborn | Juvenile Rights Project. Testifies in favor of the bill.  |
| 387 | Sen. Fisher  | Asks if this would include situations such as the program in Roseburg.  |
| 395 | Osborn       | Answers that she is not familiar with the program in Roseburg.  |
| 400 | Sen. Fisher  | Gives some background on the program he is speaking of.   |
| 442 | Chair Starr  | Closes public hearing on SB 258 and opens a work session on SB 258.   |

**WORK SESSION – SB 258**

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| 445 | Sen. Castillo | <b>MOTION: Moves SB 258 to the floor with a DO PASS recommendation.</b>   |
| 452 | Chair Starr   | <b>VOTE: 6-0</b><br><b>EXCUSED: 1 - Gordly</b><br><b>Hearing no objection, declares the motion CARRIED.</b><br><b>SEN. CASTILLO will lead discussion on the floor.</b><br>Gives announcements regarding town hall meetings. Adjourns meeting at 4:40 p.m. |

Submitted By,

Reviewed By,

Jennifer Simmons,  
Committee Assistant

Jan McComb,  
Committee Administrator

**EXHIBIT SUMMARY**

**A – written material, Dr. Thad Stanford, 1 pp**

**B – written material, Dr. Thad Stanford, 1 pp**

**C – written testimony, Randy Harnisch, 1 pp**