

HOUSE COMMITTEE ON EDUCATION

May 17, 1999 Hearing Room E

1:00 PM Tapes 132 - 134

MEMBERS PRESENT: Rep. Ron Sunseri, Chair

Rep. William Morrisette, Vice-Chair

Rep. Chris Beck

Rep. Betsy Close

Rep. Elaine Hopson

Rep. Bob Jenson

Rep. Tim Knopp

Rep. Bruce Starr

Rep. Carl Wilson

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Norm Fox, Administrator

Joan Diaz, Administrative Support

MEASURE/ISSUES HEARD: SB 344A Public Hearing and Work Session

SB 887A Public Hearing

SB 751A Public Hearing

HB 3476 Work Session

HB 3484 Work Session

SJR 12 Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 132, A		
005	Chair Sunseri	Calls meeting to order at 1:35 p.m. Opens public hearing on SB 344A.
<u>SB 344A PUBLIC HEARING</u>		
010	Nancy Miller	Representative, State Court Administrators Office. Discusses "extreme hardship" specified in the proposed ñ13 amendments. (EXHIBIT A) States issue is already addressed in the proposed ñ14 amendments. (EXHIBIT B)
015	Chair Sunseri	Comments the proposed ñ14 and proposed ñ15 amendments will be considered by the committee.
025	Michael Livingston	Assistant Attorney General, Department of Justice. Testifies regarding the proposed ñ14 amendments. Discusses page 1, line 5-12, in the proposed ñ14 amendments.
030	Norm Fox	Committee Administrator. Explains there is another amendment request in Legislative Counsel regarding confidentiality of informer.
050	Miller	Comments if SB 59 passes, it will change the definition of a public building; SB 344A would cover court facilities.
069	Rep. Hopson	Comments she finds no fault with the amendments.
078	Tricia Smith	Legislative Representative, Oregon School Employees Association (OSEA). Testifies in favor of the bill and the amendments. Comments on the workgroup and one small change in the ñ14 amendments. Suggests substituting "immediately" for "promptly" page 1, line 11.
104	Rep. Morrisette	Asks for clarification of her suggested change.
106	Smith	Clarifies again.
111	Rep. Hopson	Asks what distinguishes those two words.
115	Smith	Responds with a scenario.
141	Livingston	Responds with definition of the two words; a policy question for the committee.

162	Chair Sunseri	Comments he is comfortable with "promptly."
163	Livingston	Discusses model to be designed may be different from actual occurrence.
172	Chair Sunseri	Asks witness to explain proposed amendment still in Legislative Counsel.
179	Livingston	Explains suggested change. (EXHIBIT C)
207	Chair Sunseri	Asks who is being protected by the confidentiality clause.
210	Livingston	Responds anyone reporting in good faith who requests confidentiality and has a reasonable basis for requesting it.
215	Rep. Morrisette	Comments anyone could make the case for confidentiality.
217	Livingston	Explains reason for adding conceptual amendment.
222	Rep. Morrisette	Comments he was not aware that confidentiality had to be requested.
225	Livingston	Comments that reporting is not automatically confidential.
228	Rep. Wilson	Asks if there is any clause dealing with frivolous reporting.
230	Livingston	Responds reporting is in good faith; some immunity protection.
235	Chair Sunseri	Asks if there would be "any harm" to pass the bill without the conceptual amendment.
237	Livingston	Responds there would be none.
242	Rep. Hopson	Asks what would be the procedure without the conceptual amendment to the proposed §14 amendments.
246	Livingston	Explains that the suggested language in exhibit C is not a "necessary piece", but would make it easier for law enforcement.
252	Rep. Winters	Clarifies what language is to be added in the conceptual amendment.
256	Fox	Reads the bold type in exhibit C.

258	Rep. Morrisette	Prefers the amendment without the conceptual wording.
262	Rep. Jenson	Discusses the proposed ñ15 amendment. (EXHIBIT D)
285	Livingston	Comments the proposed ñ15 amendment did not come out of the work group. Explains his understanding what it means.
290	Chair Sunseri	Declares they are his amendments; refers to HB 3444 which contains similar language.
315	Rep. Jenson	Comments he would want to know "right now" if there is a hit list.
320	Chair Sunseri	Comments on how the wording of the amendment was drafted.
354	Rep. Morrisette	Suggests compromise wording to the proposed ñ15 amendments.
364	Livingston	Comments that an outside time limit should be specified.
375	Chair Sunseri	Suggests changing line 11-12, page 1 of the proposed ñ15 amendments.
402	Chair Sunseri	Closes public hearing on SB 344A. Opens work session on HB 344A.
<u>SB 344A WORK SESSION</u>		
404	Rep. Morrisette	MOTION: Moves to ADOPT SB 344A-14 amendments dated 05/14/99.
406	Chair Sunseri	Hearing no objection, the motion CARRIES.
408	Rep. Morrisette	MOTION: Moves to SUSPEND the rules for the purpose of CONSIDERING a conceptual amendment.
411	Chair Sunseri	Hearing no objection, the motion CARRIES.
415	Rep. Morrisette	MOTION: Moves to ADOPT SB 344A-15 amendments dated 05/17/99 and that the measure be FURTHER AMENDED on page 1, line 11, by inserting "promptly and not later than" after "person" Delete "within" and on page 1, line 12, by changing "of" to "after".
419	Chair Sunseri	Hearing no objection, the motion CARRIES.

425	Rep. Morrisette	MOTION: Moves SB 344A to the floor with a DO PASS AS AMENDED recommendation.
TAPE 133, A		
002	Rep. Close	Asks what is the purpose of the seven-day detention.
004	Chair Sunseri	Responds a mental health assessment would be conducted.
006	Livingston	States detention is "up to seven days." States an investigation would be conducted and may take less time.
		VOTE: 10-0 AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri
020	Chair Sunseri	The motion CARRIES. REP. SUNSERI will lead discussion on the floor.
029	Chair Sunseri	Closes work session on SB 344A. Opens public hearing on SB 887A.
<u>SB 887A PUBLIC HEARING</u>		
033	Danny Santos	Education Workforce Policy Advisor, Governor's Office. States the firearm safety program is viewed as a mandate.
039	Chair Sunseri	Asks if the problem is the mandate or mandating the "Eddie Eagle" program.
042	Santos	Explains the problem is two fold: mandating curriculum and a particular program.
047	Rep. Winters	Asks if it makes a difference if the program is funded by an outside source.
049	Santos	Responds that alleviates only one concern.
051	Rep. Jenson	Asks if witness is testifying against the bill.

055	Santos	Responds he is against the bill in its current form.
065	Rep. Jenson	Asks would he be in favor of several programs to choose from.
069	Santos	Declares he has an objection to mandating a specific curriculum.
071	Rep. Jenson	Asks if the legislature has the responsibility to mandate important programs.
075	Santos	Responds this body has that authority; expresses Governor's concerns.
080	Rep. Close	Asks his opinion on SB 344A which contained a mandate.
082	Santos	Responds he has had no discussion with the Governor on SB 344A.
086	Rep. Close	Asks is it not a mandate to the schools.
088	Santos	Responds affirmatively.
090	Rep. Close	Asks for explanation of the difference.
092	Santos	Responds one is a curricula issue; other is a system-wide safety issue.
100	Rep. Beck	Comments one mandate in this bill has a financial impact on school districts.
110	Rep. Wilson	Comments on potential financial impact in SB 344A; the hardship case for parents.
115	Jim Green	Legislative Representative, Oregon School Board Association (OSBA.) Testifies against SB 887A. States bill contains a mandate for only public schools; leaves out private schools and home schoolers.
120	Rep. Wilson	Responds this represents an extra measure of safety for public schools.
129	Green	Comments it is the parents' responsibility to teach firearm safety, not the schools which have responsibility for academic issues.
133	Rep. Wilson	Comments that schools already take on parental roles; feeding students, etc.
161	Green	Responds mandating programs like this takes time away from academic programs.

186	Rep. Jenson	Asks why would not public school administrators advocate for this kind of a safety program.
190	Green	Relates discussion with superintendents in Marion County.
205	Rep. Winters	Comments the issue is whether the school wants to do it or not, notwithstanding any potential expenses.
212	Green	Discusses issue of mandating additional curricula in a full school day.
215	Rep. Winters	Asks if this also applies to topics of health taught in the school.
220	Green	Explains the number of items added to the school day which are not strictly academic.
234	Rep. Starr	Asks if there have been any "unmandates" from OSBA.
236	Green	Comments on his first effort at eliminating a mandate.
245	Rep. Starr	Refers to charter schools and its preference for no mandates.
254	Green	Comments on an OSBA charter school bill in a previous legislature.
267	Rep. Hopson	Comments on the length of the school day and how long students/ teachers are in school.
275	Rep. Close	Notes that the "Eddie Eagle" program is taught by volunteers. Asks if firearm safety is a life/death issue.
280	Green	Agrees, but thinks good parents should do the instruction.
285	Rep. Close	Asks for explanation of a mandate that is life/death and one that is not.
295	Green	Explains time constraints on the school day.
299	Rep. Jenson	Asks if OSBA is proposing that schools eliminate instruction on safety issues.
315	Green	OSBA does not advocate that; asks committee to recognize the demands on the public schools.
325	Chair Sunseri	Recesses public hearing on SB 887A. Opens public hearing on SB 751A.

SB 751A PUBLIC HEARING

334	Sen. Avel Gordly	District 10. Testifies in favor of SB 751A which allows the adoption of a policy to require students to wear school uniforms.
412	Rep. Beck	Expresses concerns with the issue of costs; how to determine.
433	Sen. Gordly	Recommends consulting schools that are currently using uniforms and ascertaining how they have dealt with costs.

TAPE 132, B

002	Sen. Gordly	Comments that society places too much emphasis on "designer wear."
015	Rep. Beck	Asks if schools can implement a dress code now, why is this bill needed.
020	Sen. Gordly	Responds the Senate committee did not ascertain how many schools are choosing to implement a uniform policy.
025	Rep. Winters	Asks for cost comparisons on uniforms versus average school clothes.
032	Sen. Gordly	Responds "common sense" will show that uniforms cost less than the average school wear.
045	Rep. Starr	Comments he wore uniforms as a school boy; bill should go further but he does not want a mandate on school uniforms.
055	Sen. Gordly	Responds she would be willing to insert "encourage" in the bill.
069	Rep. Jenson	Comments on the possible stereotyping of students who do not wear uniforms if they opt out of it.
075	Mark Bigger	Legislative Aide, Sen. John Lim. Refers to Long Beach School District; of 70,000 students, 1% chose to opt out. States he is unaware of any negative treatment of those students who chose not to wear uniforms.
098	Rep. Beck	Asks what is the negative side of wearing uniforms.
106	Sen. Gordly	States her opinion that society is involved in excess consumerism; suggests new standards need to be created.
112	Vice-Chair	Closes public hearing on SB 751A. Reopens public hearing on SB 887A.

	Morrisette	
<u>SB 887A PUBLIC HEARING</u>		
139	Liz Vohland	Private Citizen, Tualatin. Testifies in favor of SB 887A which differs from HB 3012. States bills are compatible. Refers to the proposed ñ3 amendments (EXHIBIT E)
185	Rod Harder	Legislative Representative, National Rifle Association (NRA). Testifies in favor of SB 887A and the proposed ñ3 amendments. Cautions that HB 3012 may not pass due to a fiscal impact.
200	Vice-Chair Morrisette	Asks witness to summarize his testimony from the past public hearing on HB 3012.
205	Harder	Summarizes testimony from past hearing.
225	Vice-Chair Morrisette	Asks what is the difference between the two bills.
230	Harder	States SB 887A has little fiscal impact.
232	Vohland	Comments she is open to amendments; suggests amending the bill to cover grades K through 6.
251	Rep. Winters	Asks who funds the "Eddie Eagle" program.
255	Harder	States he cannot guarantee the NRA will pay for the courses "forever."
267	Kevin Starrett	Representative, Gunowners of America. Expresses concern with the bill. Notes that SB 887A is less clear than HB 3012 as to who teaches the firearms safety class.
298	Vice-Chair Morrisette	Closes public hearing on SB 887A. Reopens public hearing on SB 751A.
<u>SB 751A PUBLIC HEARING</u>		
313	Andrea Meyer	Legislative Director, American Civil Liberties Union (ACLU) of Oregon. Testifies against SB 751A. Discusses hardship cases. (EXHIBIT F)
325	Vice-Chair Morrisette	Asks if she is familiar with what is happening in schools with uniforms.

330	Meyer	Refers to the Gervais School District. Comments there is no financial assistance available in that district.
345	Vice-Chair Morrisette	Asks if there was any opt-out provision.
395	Meyer	Responds there was none.
415	Vice-Chair Morrisette	Comments on Mt. Vernon Elementary School, Springfield which does provide financial assistance.
422	Rep. Starr	Expresses concern with wording in the conceptual amendment; declares uniforms are more economical.
TAPE 133, B		
004	Meyer	Responds some parents can only afford used clothing; purchase of uniforms would be a hardship.
026	Rep. Starr	Disagrees with that statement; states the benefits of a uniform outweigh the non-benefits.
038	Rep. Winters	Asks does the Gervais School District have a uniform or a dress code policy.
042	Meyer	Describes dress code.
049	Rep. Winters	Asks if there has been any financial problem for the parents.
058	Meyer	Responds she has talked to parents who expressed problems to her.
065	Rep. Hopson	Asks if anyone talked to Gervais School District officials who refused to supply finance assistance.
067	Meyer	Respond that members of the ACLU have.
072	Kathie Osborn	Legislative Representative, Juvenile Rights Project. Testifies against SB 751A. Recommends that the bill include financial resources for economically disadvantaged students.
126	Rep. Hopson	Asks are there any school districts that require clothing other than "navy blue bottoms and white tops."

144	Osborn	Responds individual schools opt towards generic clothing of certain colors more than traditional uniforms.
159	John Marshall	Legislative Representative, Oregon School Boards Association (OSBA). Testifies regarding SB 751A. (EXHIBIT G) States there is no uniform policy regarding school uniforms; bill does not have any effect on school boardsí authority.
215	Rep. Close	Asks for his position on the bill.
220	Marshall	Recommends that the discussion be held at the local school board level.
233	Rep. Starr	Asks if OSBAis position would be neutral if the ACLU language were adopted.
245	Marshall	Responds that language goes too far; may constitute an unfunded mandate.
257	Chair Sunseri	Closes public hearing on SB 751A. Opens work session on HB 3476.
<u>HB 3476 WORK SESSION</u>		
261	Fox	Gives update on the bill which was re-referred to the committee.
275	Rep. Starr	MOTION: Moves HB 3476 to the committee on Ways & Means WITHOUT RECOMMENDATION as to PASSAGE.
280	Rep. Morrisette	Asks why is it referred to Ways & Means.
282	Chair Sunseri	States the Speaker has indicated the referral.
285	Rep. Hopson	Comments it is appropriately referred.
		VOTE: 7-1 AYE: 7 - Close, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri NAY: 1 - Hopson EXCUSED: 2 - Beck, Jenson
290	Chair Sunseri	The motion CARRIES.

305	Chair Sunseri	Closes work session on HB 3476. Opens work session on HB 3484.
<u>HB 3484 WORK SESSION</u>		
308	Rep. Close	Expresses concern that tobacco abuse programs were not included; asks for a conceptual amendment.
315	Chair Sunseri	States it can be amended in the Ways & Means committee.
320	Rep. Starr	MOTION: Moves HB 3484 to the committee on Ways & Means WITHOUT RECOMMENDATION as to PASSAGE.
328	Rep. Hopson	Comments on the ñ1 amendments previously adopted. Asks why is there a referral.
329	Rep. Winters	Explains that agencies require a spending limit.
331	Rep. Hopson	States she does not understand that statement.
349	Chair Sunseri	Comments that these two bills will probably be assigned to the Ways & Means Subcommittee on Education for a full hearing.
		VOTE: 8-1 AYE: 8 - Close, Jensen, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri NAY: 1 - Hopson EXCUSED: 1 - Beck
355	Chair Sunseri	The motion CARRIES.
357	Chair Sunseri	Closes work session on HB 3484. Opens public hearing on SJR 12.
<u>SJR 12 PUBLIC HEARING</u>		
360	Steve Johnson	Associate Superintendent, Office of Special Education, Department of Education. Testifies in favor of SJR 12 and supports the proposed ñ2 amendments. (EXHIBIT H)
402	Wilma Wells	Legislative Representative, Confederation of Oregon School Administrators

		(COSA). Testifies in favor of SJR 12 and the proposed ñ2 amendments.
428	Charles Williamson	Legislative Representative, Oregon Association for Children with Learning Disabilities. Testifies in favor of SJR 12 and the proposed ñ2 amendments.
435	Chair Sunseri	Closes public hearing on SJR 12. Opens work session on SJR 12.
TAPE 134, A		
<u>SJR 12 WORK SESSION</u>		
002	Rep. Winters	MOTION: Moves to ADOPT SJR 12-2 amendments dated 05/14/99.
004	Chair Sunseri	Hearing no objection, the motion CARRIES.
006	Rep. Winters	MOTION: Moves SJR 12 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
009		VOTE: 8-0 AYE: 8 - Close, Hopson, Jenson, Knopp, Morrisette, Starr, Winters, Sunseri EXCUSED: 2 - Beck, Wilson
012	Chair Sunseri	The motion CARRIES. REP. WINTERS will lead discussion on the floor.
015	Chair Sunseri	Closes work session on SJR 12. Opens work session on SB 887A.
<u>SB 887A WORK SESSION</u>		
020	Chair Sunseri	Asks if there is a conflict in the language between this bill and HB 3012.
025	Rod Harder	Legislative Representative, National Rifle Association (NRA). Comments there is no real conflict; makes suggested changes.
039	Chair Sunseri	Asks if those changes were made, what would be the difference.

042	Harder	Explains the task force for older students would be eliminated which would reduce the fiscal impact.
053	Chair Sunseri	Explains the committee will bring the bill back on Wednesday. Closes work session on SB 887A. Adjourns at 3:35 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 344A, proposed ñ13 amendments, staff, 1p

B ñ SB 344A, proposed ñ14 amendments, staff, 3 pp

C ñ SB 344A, written material, Michael Livingston, 1 p

D ñ SB 344A, proposed ñ15 amendments, staff, 1 p

E ñ SB 887A, proposed ñ3 amendments, staff, 1 p

F ñ SB 751A, written material, Andrea Meyer, 1 p

G ñ SB 751A, written material, John Marshall, 7 pp

H ñ SJR 12, proposed ñ2 amendments, staff, 1 p