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SENATE COMMITTEE ON EDUCATION

May 3, 1999 Hearing Room B

1:00 p.m. Tapes 89-91

MEMBERS PRESENT:

Sen. Tom Hartung, Chair

Sen. Susan Castillo, Vice-Chair

Sen. Peter Courtney

Sen. Verne Duncan

Sen. Gary George

Sen. Avel Gordly

Sen. Marylin Shannon

MEMBER EXCUSED:

STAFF PRESENT:

Jan McComb, Administrator

Karen O'Kelley, Administrative Support

MEASURE/ISSUES HEARD:

Implementing the 21st Century Schools Act

SB 751 Work Session

SB 932 Work Session

SB 870 Work Session

SB 428 Work Session

SB 998 Work Session

SB 960 Work Session

SB 635 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.

TAPE/#	Speaker	Comments
TAPE 89, A		
004	Chair Hartung	Convenes meeting at 1:05 p.m. and opens informational meeting.
<u>IMPLEMENTING THE 21ST CENTURY SCHOOLS ACT</u>		
010	Ozzie Rose	<p>Confederation of Oregon School Administrators (COSA). States that the goal of the 21st Century Schools Act (21CSA) is to have the best schools in the country by the year 2001.</p> <p>Discusses the resource problem in Oregon.</p> <p>States that assessment is a key component in implementing the 21CSA. Explains that benchmarks have been set for grades 3, 5, 8, and 10. States that there is an assessment system that measures all students against the benchmarks.</p>
094	Rose	<p>States that the data from the assessments needs to be provided to the teachers much faster. Adds that the teachers and administrators need to be trained on how to analyze the data. Believes that additional training would reduce some of the frustration that teachers are having. States that growth and achievement need to be measured as well.</p> <p>States that the assessment budget is currently being debated. Notes that COSA would support more funding in order to have reliable tests that produce information in a timely manner.</p>
148	Rose	<p>Recognizes that teachers have had a tremendous increase in their workloads. States that teachers must be given the necessary resources to accomplish what is outlined in the 21CSA.</p>
196	Chair Hartung	States that he is trying to determine what can be done to lessen the frustration of teachers in implementing the 21CSA.
201	Vice-Chair Castillo	Refers to conversations that she had with teachers about how difficult all of the current testing requirements are. Asks Rose how to resolve those concerns.
214	Rose	Responds that the some of the testing will smooth out over time.
254	Sen. Duncan	States that staff development needs to be reemphasized. Believes that it would help teachers to understand how the tests should be presented to their students. Thinks that it is important "to set a tone in the classroom" as to the importance of

		testing.
286	Sen. Shannon	Refers to the State Board of Education's request to move the timelines out. Asks Rose for his comments on that issue.
293	Rose	Responds that that the timelines should be extended. Discusses the need to slow down and do the testing right.
		States that testing should not be threatening. Comments that testing needs to be valuable for the teachers as well.
336	Sen. Shannon	States that the bottom line is that kids are scared of the assessments. Adds that the teachers' concerns should be taken seriously.
371	Sen. Gordly	Refers to an article from the Oregonian. States that all legislators should take the Certificate of Initial Mastery (CIM) test. Asks Rose for three things the legislature can do this session to advance education reform.
387	Rose	Gives the following suggestions: <ol style="list-style-type: none"> 1. Not change what we have been challenged to do. 2. Provide adequate funding for more training, summer school, and extended school days. 3. Set the stage for a debate among Oregonians about what level of resources they want to provide.
453	Chair Hartung	Closes informational meeting and opens work session on SB 751.
<u>SB 751 WORK SESSION</u>		
TAPE 90, A		
001	Sen. John Lim	Senate District 11. Gives the following responses to the questions that arose at a previous public hearing: <ol style="list-style-type: none"> 1. California ruled that a school uniform policy does not violate the right of free expression. 2. The bill is needed to give local districts assurance that if they implement a school uniform policy, they will be doing so with the expressed consent of the state. 3. Studies indicate that a school uniform policy is less expensive. A special fund will be provided, through fundraising events, for those students who cannot afford to purchase a school uniform.
051	Sen. Lim	States that school uniforms help students to perform better.
		Explains that the ñ1 amendments (EXHIBIT A) remove the term "gang-related

		<p>clothing."</p> <p>Emphasizes that this bill makes it optional for school districts to take advantage of school uniforms.</p>
068	Sen. Shannon	MOTION: Moves to ADOPT SB 751-1 amendments dated 04/28/99.
072	Mark Bigger	<p>Legislative Assistant, Sen. Lim. Explains that the ñ1 amendments were created because it is too difficult to define the term "gang related clothing."</p> <p>States that the ñ1 amendments also include an "opt out" provision that must be granted by school districts.</p>
087	Chair Hartung	Asks what SB 751 would accomplish that cannot be done under existing law.
091	Sen. Lim	Responds that this bill would give more flexibility and improve the current law.
102	Andrea Meyer	Legislative Director, American Civil Liberties Union (ACLU).
		<p>VOTE: 6-0</p> <p>EXCUSED: 1 - George</p>
106	Chair Hartung	Hearing no objection, declares the motion CARRIED.
109	Meyer	Believes that this bill infringes on free expression. States that the Oregon constitution has a free expression clause that is held to a much higher standard than the federal free expression clause. States that, at a minimum, this bill needs to include financial provisions for those who can not afford it.
136	Sen. Shannon	Refers to a school, comprised of migrant children, who like having a dress code.
138	Meyer	States that the ACLU will not support a dress code policy. Adds that if this bill passes, the financial resources must be available for those who need it.
162	Kathy Osborn	Juvenile Rights Project (JRP). States that she is concerned about the "whereas clauses" in the bill.
175	Chair Hartung	Asks Osborn if the JRP will not support the bill unless the "whereas clauses" are removed.
177	Osborn	Responds that is correct.

188	John Marshall	Oregon School Boards Association (OSBA). Explains that SB 751 does not impose any new requirements on school districts. States that dress codes already exist at some schools.
231	Sen. Shannon	Discusses "gang-related clothing."
238	Sen. Gordly	Asks Marshall how many school boards there are in Oregon.
242	Marshall	Responds that there are 198.
243	Sen. Gordly	Asks how many of those have adopted a uniform policy and/or a dress code.
246	Marshall	Responds that he does not know the exact number. Comments that many schools have there own student handbook which outlines specific dress codes.
258	Sen. Gordly	Asks how many school boards have adopted the "selected sample policy" from the OSBA.
265	Marshall	Responds that he does not know.
		Believes that every middle and high school in the state has a dress code outlined in their student handbook. Thinks that there are only a handful of schools that have a uniform dress code.
301	Sen. Gordly	Asks Marshall if there is anything in the bill that he considers to be an enhancement to the current policy.
310	Marshall	Responds that the bill would provide criteria to be followed if a school uniform policy were adopted.
323	Sen. Shannon	MOTION: Moves SB 751 to the floor with a DO PASS AS AMENDED recommendation.
327	Vice-Chair Castillo	Asks Marshall if the OSBA members are requesting this bill.
338	Marshall	Responds that he has not received any phone calls from parents. Comments that there might be more of a focus on dress codes in those communities where there has been a problem with violence.
354	Sen. Duncan	Comments on the local school districts.
383	Vice-Chair Castillo	States that a uniform policy can be done under current law. States that she does not see a need for this bill.

408	Sen. Gordly	Comments on the ñ1 amendments. States that she is concerned about "whereas clauses" in the bill. States that she cannot support the bill with this language.
434	Sen. Shannon	Discusses "gang-related clothing" and the way children behave.
449	Sen. Duncan	Asks Sen. Lim if he is willing to remove the "whereas clauses" from the bill.
461	Sen. Lim	Responds that he is willing to remove the "whereas clauses" from the bill.
TAPE 89, B		
013	Chair Hartung	Discusses deleting lines 3-15 from the bill .
017	Sen. Shannon	MOTION: Moves to SUSPEND the rules for the purpose of WITHDRAWING MOTION to send amended SB 751 to the floor with a DUE PASS RECOMMENDATION.
019	Sen. Hartung	MOTION: Moves to ADOPT the ñ1 amendments dated 04/28/99 and that the measure be FURTHER AMENDED by deleting "lines 3-15."
		VOTE: 7-0
020	Chair Hartung	Hearing no objection, declares the motion CARRIED.
025	Sen. Shannon	MOTION: Moves SB 751 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-1 AYE: 6 - Courtney, Duncan, George, Gordly, Shannon, Hartung NAY: 1 - Castillo
028	Chair Hartung	The motion CARRIES. SEN. LIM will lead discussion on the floor. Refer to Tape 91, side A, tick 033 for Sen. Courtneyís aye vote.
034	Chair Hartung	Closes work session on SB 751 and opens work session on SB 932.

SB 932 WORK SESSION

037	Jan McComb	States that SB 932 would direct the Oregon Department of Education (ODE) to develop guidelines and provide technical assistance to school districts regarding special education. Discusses the ñ1 amendments included in (EXHIBIT B) .
054	Laurie Wimmer	Oregon Education Association (OEA). States that the OEA met with the ODE and all parties who expressed an interest in the bill. States that the ñ1 amendments seem to satisfy everyoneís concerns. Comments that Legislative Counsel inadvertently did not make one of the requested changes. Refers to "all" on line 3. States that the ODE would like to have "all" removed.
073	Chair Hartung	MOTION: Moves to ADOPT SB 932-1 amendments dated 04/27/99 and that the measure be FURTHER AMENDED on line 3, by deleting "all".
		VOTE: 4-0 EXCUSED: 3 - Castillo, Courtney, Shannon
076	Chair Hartung	Hearing no objection, declares the motion CARRIED.
078	Chair Hartung	MOTION: Moves SB 932 to the floor with a DO PASS AS AMENDED recommendation.
083	Sen. Gordly	Asks if the Portland Public Schools (PPS) support the ñ1 amendments.
087	Wimmer	Responds that she has not been apprised of any concerns on their part.
092	Sen. Gordly	Asks if the PPS support the bill.
093	Wimmer	Believes that the PPS do not oppose the bill with the ñ1 amendments.
097	Sen. Duncan	Asks if the ODE will testify.
102	Chair Hartung	Asks Wimmer if the ODE supports the bill with the ñ1 amendments.
104	Wimmer	Responds that is correct.
		VOTE: 6-0 EXCUSED: 1 - Shannon

118	Chair Hartung	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. GEORGE will lead discussion on the floor.</p> <p>Refer to Tape 89, side B, tick 284 for Sen. Castillo's aye vote.</p>
124	Chair Hartung	Closes work session on SB 932 and opens work session SB 870.
<u>SB 870 WORK SESSION</u>		
131	McComb	<p>States that SB 870 would direct the ODE to establish a statewide childcare provider training program that would educate childcare providers on the importance of healthy brain development in the first three years of a child's life.</p> <p>Discusses the #1 and the #3 amendments included in (EXHIBIT C).</p>
151	Sen. Gordly	MOTION: Moves to ADOPT SB 870-1 amendments dated 04/08/99.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Castillo, Shannon</p>
154	Chair Hartung	Hearing no objection, declares the motion CARRIED.
155	Sen. Gordly	MOTION: Moves to ADOPT SB 870-3 amendments dated 04/27/99.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Castillo, Shannon</p>
172	Chair Hartung	Hearing no objection, declares the motion CARRIED.
175	Sen. Gordly	MOTION: Moves SB 870 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
181	Sen. George	Asks what the cost will be.

186	Sen. Gordly	Refers to a memorandum included in (EXHIBIT D) .
195	Annette Talbott	Legislative Coordinator, Oregon Employment Department. Refers to Section 4 of the bill which relates to scholarships.
224	Sen. George	Refers to the organizations listed on the ñ3 amendments. Asks what the cost will be to each of them.
228	Talbott	Asks Sen. George if he wants to know how much the providers will be charged for the class.
231	Sen. George	Asks if there will be costs to develop the programs.
237	Talbott	Responds that the ODE is the only one that has indicated a fiscal impact.
245	Anita McClanahan	Director Early Childhood Programs, ODE. States that they do not anticipate the need for additional funding.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Shannon
272	Chair Hartung	The motion CARRIES.
280	Chair Hartung	Closes the work session on SB 870 and reopens work session on SB 932.
<u>SB 932 WORK SESSION</u>		
284	Sen. Hartung	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. CASTILLO to BE RECORDED as voting AYE on " Moving SB 932 to the floor with a DO PASS AS AMENDED recommendation".
285	Chair Hartung	Hearing no objection, declares the motion CARRIED.
290	Chair Hartung	Closes work session on SB 932 and opens work session on SB 428.
<u>SB 428 WORK SESSION</u>		

293	Sen. Courtney	Refers to letter from Stan Bunn included in (EXHIBIT E) .
303	Gary Carlson	Associated Oregon Industries (AOI). Discusses the ñ9 amendments (EXHIBIT F) . Refers to "finance considerations" included in EXHIBIT F .
		Explains that the intent of SB 428 is to have marketplace decisions made by the students and their parents. Comments that there are students that dropout of high school because the do not fit into the high school environment. Believes that this bill would help those students.
443	Sen. Courtney	Recommends that the bill be sent to the committee on Ways and Means.
465	Sen. Courtney	MOTION: Moves SB 428 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
TAPE 90, B		
030	Sen. Gordly	States that Bunn opposes SB 428. Refers to Bunn's letter included in EXHIBIT E . Asks Carlson to address Bunn's concern about equity.
047	Carlson	States that AOI respectfully disagrees with Bunn's statement on equity. States that SB 428 is designed to give more opportunity to young people.
		VOTE: 5-1 AYE: 5 - Courtney, Duncan, George, Gordly, Hartung NAY: 1 - Castillo EXCUSED: 1 - Shannon
077	Chair Hartung	The motion CARRIES.
079	Carlson	Thanks Sen. Courtney for his efforts on SB 428.
083	Sen. Duncan	States that he opposes using the language "bill of rights." States that he may vote against this bill on the floor.
086	Sen. Courtney	States that they were not able to change the language "bill of rights" because of the relating clause.
091	Vice-Chair Castillo	States that she shares Bunn's concerns and will not support this bill.

096	Chair Hartung	Closes work session on SB 428 and opens work session on SB 998.
<u>SB 998 WORK SESSION</u>		
100	Sen. Duncan	States that he objects to distributing \$400,000 to an individual program. States that he opposes the bill.
125	Sen. Gordly	Shares Sen. Duncan's concerns.
127	Sen. Duncan	Explains that he would like to see more work done in economics, however, this bill is not the right way to accomplish it.
129	Sen. George	Discusses the purpose of the bill.
134	Vice-Chair Castillo	States that she thought there would be a connection to Lane Community College.
144	Chair Hartung	States that will be no action on SB 998.
151	Chair Hartung	Closes work session on SB 998 and opens work session on SB 960.
<u>SB 960 WORK SESSION</u>		
156	McComb	States that SB 960 is Sen. Bryant's bill. Explains that this bill would eliminate the wording in the statute that requires a school district to determine the necessity of students attending an alternative education program prior to placement.
183	Sen. Duncan	Asks if this bill would "grandfather in" the action that was taken by the school district.
194	Sen. Gordly	States that she is unable to support this bill because it would intervene with pending legislation. States that there is "a possible appearance of impropriety" with this bill.
207	Rose	Responds to Sen. Duncan's question. States that this bill removes the language about the reason that a child would be placed in an alternative school. States that the bill still requires the approval of a school district. States that COSA supports the bill.
237	Chair Hartung	Closes work session on SB 960 and recesses meeting until 2:38 p.m.
238	Chair Hartung	Reconvenes meeting at 2:39 p.m. and opens public hearing on SB 635.

SB 635 PUBLIC HEARING

254	Marshall	OSBA. Testifies in opposition to SB 635.
264	Rose	States that COSA opposes SB 635. Explains that CPA firms are not setup to conduct performance audits of the type outlined in the bill. States that requiring school districts to conduct the audit is too expensive.
292	Rep. Randall Edwards	House District 15. Testifies in support of SB 635 and submits (EXHIBIT G) . States that this bill would help school districts to run more efficiently and provide additional accountability. Explains that SB 635 would require school districts to conduct a "performance audit" at least once every five years.
389	Rep. Edwards	States that this bill is written to give school districts the flexibility to conduct the audits where needed. States that this bill is a good way to improve accountability.
429	Sen. Gordly	Asks Rep. Edwards how SB 635 relates to the Quality Education Model (QEM).
438	Rep. Edwards	Responds that this fits into looking at how schools are delivering services.
448	Sen. Gordly	Asks if there is a current policy which directs school districts to perform scheduled audits.
450	Rep. Edwards	Responds that the statutes are silent about performance audits.

TAPE 91, A

001	Sen. Gordly	Asks Rep. Edwards why he decided on five years.
003	Rep. Edwards	Responds that he wanted to have the audits conducted periodically.
015	Sen. Duncan	Believes that the idea of performance audits is good, however, they are too expensive to impose on school districts.
031	Chair Hartung	Closes the public hearing on SB 635.
033	Chair Hartung	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY to BE RECORDED as voting AYE on " Moving SB 751to the floor with a DO PASS AS AMENDED recommendation".
034	Chair Hartung	Hearing no objection, declares the motion CARRIED.

037	Sen. Gordly	Refers to SB 960. Hopes that her comments about the "appearance of impropriety" will be taken as constructive criticism.
048	Chair Hartung	Adjourns meeting at 3:03 p.m.

Submitted By, Reviewed By,

Karen O'Kelley, Jan McComb,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 751, -1 amendments, Sen. John Lim, 1 p

B ñ SB 932, -1 amendments, staff, 2 pp

C ñ SB 870, -1 and -3 amendments, staff, 2 pp

D ñ SB 870, memorandum, Annette Talbott, 1 p

E ñ SB 428, written testimony, Stan Bunn, 2 pp

F ñ SB 428, -9 amendments and written testimony, Gary Carlson, 4 pp

G ñ SB 635, audit, Rep. Randall Edwards, 12 pp