

SENATE COMMITTEE ON PUBLIC AFFAIRS

June 1, 1999 Hearing Room B

3:00 P.M. Tapes 60 ñ 61

MEMBERS PRESENT: Sen. Gene Derfler, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marilyn Shannon

Sen. Charles Starr

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: HB 2419A Work Session

HB 3607 Work Session

SB 1180 Public Hearing and Possible 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.

TAPE/#	Speaker	Comments
TAPE 60, A		
000	Chair	Opens meeting at 3:00 p.m. and opens work session on HB 2419A.
<u>HB 2419A WORK SESSION</u>		
003	Brian E. Smith	Explains HB 2419A

019	Chair	
025	Stephan Sanders	
040	Jaime Sanders	Presents (EXHIBIT A) .
066	S. Sanders	States HB 2419A Ö.
097	Chair	States a decision will be made on HB 2419A today. States HB 2419A is before the committee due to the Stafford Companyís poor business practices. States the ñ8 amendments
120	Dukes	Asks if this is opposed to
123	Smith	States that current law
126	Dukes	Asks how the new language on page 2
129	Rich Angstrom	States the ñ8 amendments places a time limit on the renewal of permits.
147	Dukes	
148	Angstrom	States
151	Shannon	Asks if the Governor
154	Angstrom	
158	Shannon	Moves ñ8
160	Dukes	Moves ñA9
162	Chair	States there are issues with the ñA9
170	Dukes	States the local process has been used to come up with the ñA9 amendments.
178	Chair	Asks for roll call vote for ñA9 amendments
185	Starr	Moves with ñ8

196	Chair	Closes work session and opens work session on HB 3607.
<u>HB 3607 WORK SESSION</u>		
210	Smith	Explains HB 3607
214	Chair	
215	Dukes	States she will not support HB 3607 with the current language on page
223	Starr	Moves
231	Chair	Closes work session and opens public hearing on SB 1180.
<u>SB 1180 PUBLIC HEARING</u>		
240	Chris Dudley	Executive Director, OSBA. Presents (EXHIBIT B) . States SB 1180 is
281	Chair	
282	Dudley	
299	Ron Wilson	Director of Labor Relations, OSBA.
312	Dukes	
313	Wilson	States the contract is not the same.
318	Dukes	Asks if he means tenure.
322	Wilson	States no. Explains that tenure no longer exists.
329	Dudley	States a probationary teacher Ö
342	Dukes	
346	Wilson	States that process is for a contract teacher. States the contract teacher would still need to be under probation for three years.

360	Dukes	Asks
366	Wilson	
367	Dukes	
368	Wilson	
370	Dukes	
372	Wilson	
381	Dukes	Clarifies that two years ago Ö.
387	Dudley	States there was no intention to
399	Dukes	Asks if three years is too long of a probationary
405	Wilson	Clarifies the probationary
410	Dukes	States the teachers have no rights
415	Wilson	States they are protected unless the school board finds a reason to let the teachers go.
428	Dudley	States the probationary time line has been this way in Oregon for thirty years.
446	Dukes	Qualifies
449	Dudley	States there is no excuse to change the probationary Ö
461	Chair	
466	Shannon	
TAPE 61, A		
001	Dudley	Continues discussing the ñ4 amendments.

040	Chair	Asks who will perform the evaluation.
043	Dudley	
043	Chair	Asks if it would be the principal
044	Dudley	
050	Wilson	States the licensed administrator
053	Chair	Asks if that is the primary goal
057	Wilson	States that administrators are to keep
064	Shannon	Concerned with the language being undefined. Believes students should be testing at the standard levels of
100	Starr	States
101	Shannon	
105	Starr	Asks how to define it.
107	Shannon	States that Oregon's children
114	Dudley	States the concept is to not tighten the. Explains SB 1180 is not created to.
134	Shannon	States that there needs to be definition.
140	Wilson	States the amendment leaves. States there are protections for teachers in the Fair Dismissal Act.
159	Shannon	States there are teachers who are not teaching collaborative learning. Gives examples of collaborative learning.
184	Dudley	States that is not the intent of the language.
186	Shannon	States teachers are not comfortable with this.
190	Dudley	States that teachers may not be. States the intent is to find a component

209	Shannon	Asks if
221	Dudley	States it must be reasonable
215	Shannon	Asks if there are teachers signed up to testify.
220	Chair	States there must be a measurement established to evaluate teachers.
228	Shannon	Believes the legislators should have input on the standard.
239	Chair	Asks if we should measure teachers
242	Shannon	States it would be more effective to state academic achievement.
248	Chair	
250	Shannon	States Oregon is not going
254	Chair	Asks if anyone would take issue to put "academic"
260	Wilson	Asks Ö
263	Starr	States he takes issue with narrowing the definition. States that without instilling values and character
274	Shannon	Asks how that is measured.
277	Chair	States that students learn they are worthwhile students
284	Shannon	States it is important to have balance between
291	Chair	States one should be able to measure
294	Shannon	States that teachers should not be measured by
299	Starr	Clarifies that Shannon prefers an objective
301	Shannon	Asks if Oregon is the first

307	Wilson	States Tennessee, Kentucky, Dallas Ö.
329	Shannon	
330	Wilson	States a "value added system" can predict how much each individual student will learn with a pretest before
342	Shannon	
343	Wilson	States yes. States the assessment system is broad because of pre-testing. States that teachers who are identified as Ö States a broad definition allows flexibility from school to school as well as from classroom to classroom.
386	Shannon	Believes the term should be defined.
400	Wilson	States the school board defines what academic skills Ö. States an assessment
411	Shannon	
413	Wilson	States yes.
418	Chair	Asks if the word "growth"
422	Shannon	States yes.
431	Starr	States there needs to be time taken to change the language.
440	Wilde	Asks about Section 5 and the difference of the evaluation
TAPE 60, B		
001	Wilson	States the process has not been done completely by the school board.
015	Wilde	Asks if Section 5 subsection 1 and Öare current statute.
016	Wilson	States that is correct. States the evaluation process must be determined by the Ö.
029	Chair	States the school board is the
031	Wilson	

032	Dukes	States the language in subsection 2 is cumbersome and confusing.
050	Starr	Believes the changes help clarify subsections 1 and 2.
062	Chair	
064	Dudley	States page 7 lines 8 through 11 Ö. States the language will restore Ö. States Section 6 only changes by adding the word "the" where previously implied. States page 10
114	Dudley	States that teachers whose contracts are not extended
123	Wilde	States that substantive issues were to be resolved in an open public hearing.
132	Chair	States there may be cases where
136	Wilde	States it would not
138	Chair	Asks that if
140	Wilde	States he would confront the teacher with the possibility Ö. States he prefers those decisions not to be made behind closed doors.
151	Dukes	States SB 1180 is completely against the open Ö. States she would like to know what the issues are that terminates a contract
164	Chair	States there is
166	Starr	States there is good
169	Dukes	States it is the school boards
172	Dudley	
173	Dukes	States there is no decision
177	Dudley	States an expulsion
180	Dukes	States that decisions need

186	Dudley	States in the initial stage, it may impune the teacher
197	Shannon	Asks if the employee will be given the information
205	Dudley	States the teacher will know the vote of the school
211	Chair	States the decision should not cloud the teacher over the next year Ö
217	Dukes	States the Open Meetings Law is an important law.
228	Chair	States he would not object to Ö. States that if a teacher can make the correction without Ö. Believes the teachers should have the chance to
247	Dukes	Asks if the system has not worked well
250	Chair	States that is why the changes were made. Believes the changes protect the individual teacher
256	Dudley	States the employee is protected in Section 36. States the purpose to allow for
275	Dukes	States that is done from time to time to protect individuals.
290	Wilson	Discusses the amendment
332	Dukes	Asks if the language was negotiated
335	Wilson	
338	Dukes	States the languages is being cleaned up from Ö. Asks if there is no other body that can make a decision Ö. States there needs to be a better reason
358	Wilson	States the language was not good at that time either.
365	Dudley	States Dukes is right, and the amendments try to correct that error. States the Fair Dismissal Appeals panels prefer to hear cases directly, thus there are changes made to Ö.
415	Wilson	States Section 10 is for the use of an
428	Dudley	States Section 11 removes the substantive law that Ö..

447	Dukes	Asks if this is an attempt
448	Dudley	States this is an attempt to Ö states in Section 14
TAPE 61, B		
001	Wilson	Clarifies that dismissal
003	Dukes	Asks if the language being removed should be in statute
011	Dudley	States his intent was to mandate Ö.
017	Dukes	
018	Dudley	Asks if that would
020	Dukes	
022	Wilson	States one could not strike over that issue.
025	Dukes	
027	Wilson	States that could happen under that scenario. Clarifies the original bill made the collective bargaining unit
037	Dukes	
038	Dudley	States yes.
040	Dukes	Clarifies that that is as long as the teachers knew they could not strike over it.
045	Dudley	States the public records
055	Mark Toledo	General Counsel, Oregon Education Association. Presents (EXHIBIT C) . Discusses the Fair Dismissals Appeals Act history.
105	Toledo	States that statute allows for improvements on a system. States page 2 paragraph 6a clarifies the statute.
155	Shannon	Asks if that has already been negotiated.

158	Toledo	States by changing the date will create many new temporary teacher. States
167	Shannon	Asks
168	Toledo	States yes.
171	Dukes	Asks if that applies even if the teacher taught all year long.
172	Toledo	States that is correct. States the provision dealing with Ö. States the current framework of Ö. Discusses the last case he took to the Fair Dismissals Appeals court. States that school boards have a broad Ö
222	Toledo	States the four sections deal with four of the nine reasons a teacher can be fired Ö. States those performance areas can be effected by Ö. States that arbitrators already have the power to Ö
272	Toledo	States that arbitration would only be covered if the reason for dismissal is unfair. Believes most school districts would not do this, but there are exceptions. Opposes the changes suggested by the OSBA.
322	Toledo	States there would be a disservice to the educational community to have the cases go to anyone other than the Fair Dismissal courts. Discusses collective bargaining in the educational community.
372	Toledo	Believes it is inappropriate to make changesÖ.
380	Chair	Closes public hearing.
399	Wilde	Asks to vote on HB 2419A. No obj. vote. Wilde votes AYE on HB 2419A.
413		Staff presents (EXHIBIT D) .
414	Chair	Closes work session and adjourns meeting at 5:05 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2419A, written testimony, Jaime Sanders, 14 pp

B ñ SB 1180, written testimony, Chris Dudley, 3 pp

C ñ SB 1180, written testimony, Mark Toledo, 5 pp

D ñ SB 1180, written testimony, staff, 3 pp