

**HOUSE COMMITTEE ON EDUCATION**

**February 24, 1997 Hearing Room E**

**8:15 AM Tapes 37-40**

**MEMBERS PRESENT:**

**Rep. Dennis Luke, Chair**

**Rep. Terry Thompson, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Ryan Deckert**

**Rep. Bob Jenson**

**Rep. Charles Starr**

**Rep. Ron Sunseri**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Bryan Boehringer, Administrator**

**Joan Diaz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2469 - Public Hearing**

**HB 2544 - Public Hearing**

**HB 2579 - Public Hearing**

**SB 179A - Public Hearing & 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 37, A</b>		
003	Chair Luke	Opens meeting at 8:17 a.m. Opens public hearing on HB 2469.

<b>HB 2469 - PUBLIC HEARING</b>		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator explains bill which provides that residents of Washington admitted to border community colleges shall be considered residents of Oregon for tuition purposes. Reciprocity agreement in place expires June 1997. Explains two additional community colleges are to be included when agreement is renewed if this bill is passed. <b>(EXHIBIT A).</b>
018	Rep. Bob Montgomery	Represents District 56, testifies in favor of HB 2469. Comments that by considering Washington students as Oregonians for tuition purposes, these community colleges will achieve critical mass.
042	Rep. Tim Josi	Represents District 2, testifies in favor of HB 2469. Comments that passage of the bill will provide a real service for rural students.
	Chair Luke	Comments that after this session, legislators should look into creating a community college district in that area so that the tax structure would encompass all students.
	Rep. Beyer	Asks if Idaho has a reciprocity agreement with Oregon.
114	Montgomery	Responds that Treasure Valley Community College has an agreement with the State of Idaho.
116	Rep. Mike Fahey	Represents District 17, testifies in favor of HB 2469.
135	John Wubben	President, Clatsop Community College, testifies in favor of HB 2469 <b>(EXHIBIT B).</b>
167	Bill Bell	President, Columbia Gorge Community College, testifies in favor of HB 2469 <b>(EXHIBIT C)</b> . Comments that in no case is an Oregon student denied admission in order to admit Washington students. Explains the \$300,000 cost is in the Governor's investment budget to facilitate reciprocity.

289	Diane Walton	Staff, Office of Community Colleges Services, discusses statistics regarding numbers of Washington and Oregon students ( <b>EXHIBIT D</b> ). Explains that community colleges and higher education are governed by one agreement for purposes of reciprocity.
369	Chair Luke	Asks why there is a Senate workgroup.
371	Walton	Responds that Sen. Hartung has formed a non-legislative workgroup to consider the Border County Pilot Project.
387	Chair Luke	Asks if the pilot project would allow those counties to send funds to the community colleges in Oregon.
389	Walton	Responds that is the case, but only in Multnomah County.
<b>TAPE 38, A</b>		
002	Walton	Continues testimony.
013	Rep. Sunseri	Asks why would a Washington student want to attend a community college in Oregon.
020	Bell	Responds that it is an issue of geographical access. Comments many community college students are usually working adults, single parents, etc., with many demands on their time.
030	Wubben	Responds that is the same situation in his community.
040	Rep. Thompson	Asks if students are mostly part time.
	Wubben	Responds that is the case.
086	Chair Luke	Comments that it might be better for this bill to wait until the Senate workgroup finishes their work.
	Bell	Responds that approval of HB 2469 applies to his area more effectively than a general reciprocity agreement.
	Chair Luke	Asks how would Washington react to a joint tax base.

097	Bell	Responds that only the Columbia River is dividing the area and that it might be better to recognize the river as a bridge rather than a division.
151	Chair Luke	Comments that the committee will review this bill again at a later date. Closes public hearing on HB 2469 and opens public hearing on HB 2544.
<b>HB 2544 - PUBLIC HEARING</b>		
165	Chair Luke	Asks staff to explain the bill.
	Boehringer	Explains that HB 2544 increases residency requirement for students enrolling in a state institution of higher education.
180	Rep. VanLeeuwen	Represents District 37, testifies in favor of HB 2544.
210	Chair Luke	Asks if there have been any students declaring residency just to receive tuition at the in-state rate.
	Rep. VanLeeuwen	Responds that there have been individuals who worked part time for her who declared residency when that declaration was suspect.
228	Chair Luke	Comments on how residency rules affect sons and daughters of military personnel.
260	Rep. VanLeeuwen	Explains that this bill will provoke discussion which is needed.
279	Gratton Kerans	Legislative Representative, State System of Higher Education testifies against HB 2544. Consulted with Counsel who states this bill would be unconstitutional. Comments that no state can disadvantage another citizen to such a degree. Refers to 14th Amendment and Interstate Commerce clause.
343	Chair Luke	Asks for comments to Rep. Van Leeuwen's testimony.
		Responds that the residency rule requires that a domicile must be

	Kerans	established in Oregon for the 12 months prior to the term.
395	Kerans	Responds to questions by the Chair that the rule states if you enlist in the military from another state, you are not a resident of Oregon. If you enlist in the military from Oregon, you maintain Oregon residency. Comments that the rule has been tested and upheld on appeal.
406	Rep. Thompson	Comments on the basis for establishing taxes between the states.

**TAPE 37, B**

002	Rep. Thompson	Continues commenting that there appears to be one standard for taxation and one standard for representation.
012	Kerans	Agrees that standards are different.
034	Chair Luke	Clarifies that under current rules regarding military, their children are residents. But if they own property in Oregon, vote in Oregon, but entered military from another state, then their children are not residents for purposes of higher education.
	Kerans	Responds that is the rule at the present time.
049	Chair Luke	Asks how the rule is applied to military academy appointees.
	Kerans	Responds that if you enter the military from another state, you are not an Oregon resident.
	Rep. Sunseri	Comments that is not the case for appointments to military academies since the appointment is from this state and the recommending congressman is from this state.
063	Kerans	Comments that this rule is a question for legislative direction. OSSHE is operating under a directive from 1991.
089	Chair Luke	Asks OSSHE to send to the committee a clarification on the residency status of military personnel. Closes public hearing on HB 2544. Opens public hearing on HB 2579.

112 Chair Luke Asks staff to explain the bill.

114 Boehringer Explains bill which would direct a school district board to adopt a policy on use of film or video for educational programs.

126 Rep. Leslie Lewis Represents District 29 which includes the Dayton School District. Bill was drafted in response to constituent's concerns that there be a school policy which would allow a parent to preview videos to determine their appropriateness for their children.

David West Private citizen, parent, testifies in favor of HB 2579 **(EXHIBIT E)**.

Margaret West Private citizen, parent, testifies in favor of HB 2579. Comments on the experience of her daughter. When reported to the then superintendent, he agreed that schools should not be showing "R"-rated movies in class. Testifies that the current superintendent has amended the policy to enable "R"-rated movies to be shown.

290 Chair Luke Asks if the issue was brought before the local school board.

M. West Responds that the school board did not seem receptive to input from parents.

Rep. Deckert Asks if the goal is simply to be notified what movies are being shown.

M. West Responds parents need to be consulted and should be given the opportunity to agree or disagree.

342 Rep. Lewis Comments that the concept of parental consent is extremely important.

371 Chair Luke Suggests having the site council review the video list so that parents can give input.

390 Nikki Saunders Student, McMinnville High School, speaks in favor of HB 2579 **(EXHIBIT F)**.

**TAPE 38, B**

003 Nikki Saunders Continues testimony.

025 Penny West Student, Dayton High School, speaks in favor of HB 2579 **(EXHIBIT G)**.

	Rep. Sunseri	Asks if the teacher is in class when videos are shown.
124	P. West	Responds that he is in the classroom and that approximately 12 videos are shown during the entire class term.
128	Bill Saunders	Parent of McMinnville High School student testifies in favor of HB 2579.
177	Mark Blanchard	Board member, District 8, Dayton. Comments that he is speaking as a private citizen and is in favor of HB 2579.
	Saunders	Explains that on a commercial flight, "R"-rated films are shown with offensive scenes and language deleted. Asks why couldn't schools follow that example.
280	D. West	Comments that he realizes it's difficult to legislate morality but would prefer to have parental choice. Comments it would be satisfactory if the site council handles the situation.
326	Chair Luke	Explains bill is drafted without any distinction as to educational films vs. entertainment films.
	Rep. Beyer	Indicates that distinction would have to be made between health films showing a nude body, and films that have explicit sexual content.
348	Rep. Thompson	Comments that he has concerns when state laws are developed that mandate over a wide area. Feels decisions would be best left to site councils and school boards.
394	M. West	Responds that the family did talk to the superintendent but the new superintendent ignored policy and did not inform parents.

**TAPE 39, A**

002	M. West	Continues her testimony.
019	Rep. Sunseri	Comments HB 2991 (1995) states that site councils will be responsible for implementing reform.
	Rep. Beyer	Asks Chair if the intent is to bring bill bring back for a work session.

	Chair Luke	Responds if there is enough interest to bring it back.
045	Saunders	Comments that he wants to encourage committee to move the bill along so board can implement policy.
	Rep. Deckert	Asks for clarification of existing rules. Asks if a student must view a video or is it optional.
060	M. West	Responds that in some cases the students are ostracized if they opt out of viewing the video. Comments that a teacher verbally abused her daughter in front of class.
	Blanchard	Asks committee to take note that the parents testifying today are from two different school districts so it is an area of concern.
085	Wilma Wells	Legislative Assistant, Confederation of Oregon School Administrators, testifies against HB 2579 ( <b>EXHIBIT H</b> ). Comments that what is appropriate for Dayton is not appropriate in another city. Explains that Oregon has school districts of all sizes and parents with different views
187	Chair Luke	Indicates that the bill states a local school board shall develop a school board policy. Comments that a list of videos to be shown could be posted so that parents can get involved if they so desired. A mailed notification would not be necessary.
203	Wells	Continues reading section 2 and 3 of the bill.
221	Fallie Calder	Legislative Representative, Oregon School Boards Association, testifies against HB 2579 and submits the policy that OSBA has adopted ( <b>EXHIBIT I</b> ). Recommends all school boards adopt a policy. Comments that the problem should have been solved at the school board level. Explains it is a local school board function and not a function of the site council.
274	David Fidanque	Executive Director, American Civil Liberties Union (ACLU) of Oregon, testifies against HB 2579. Comments that the rating system of the Motion Picture Association of America (MPAA) cannot be used in the bill as it is proprietary property.
	Chair Luke	Asks if it wouldn't be sufficient if the law is drafted and attributes the letter rating of a movie to the MPAA.
		Responds that the MPAA has gone to court and won lawsuits whenever



- 314 Fidanque their rating system was used by any level of government. Suggests that committee require local districts to have a policy. Comments that edited films shown on airlines might be a useful way for districts to handle the situation.
- 343 Rep. Beyer Asks why would a lawsuit by MPAA ensue when the school board policy document refers to it.
- 355 Fidanque Responds he is relating what has happened in other parts of the country.
- 369 George Lanning Superintendent, Amity School District, responds to Chair's questions and comments that the Oregon School Boards Association policy is used in Amity schools.
- TAPE 40, A**
- 003 Lanning Continues testimony.
- 010 Jim Green Legislative Representative, Oregon School Boards Association, testifies regarding HB 2579. Oregon Administrative Rule states that students shall not be ostracized if they opt out of class.
- 029 Rep. Sunseri Questions whether in practical matters, if that policy is implemented. Student testimony today reflects it is not.
- 042 Green Responds a bill wouldn't ensure ostracization doesn't occur. Also will investigate whether use of rating system is a trademark infringement of MPAA and get back to the committee.
- 056 Lanning Responds to Chair's question regarding alternatives as to what his students are taught in class. Comments that students go into the library for alternative education compatible with what's taught in the classroom.
- 081 Mike Costello Superintendent, Days Creek, testifies against HB 2579.
- 104 P. West Explains that her teacher bases the grades partially on discussion of the video. Comments that the grade might be affected if an alternative assignment is substituted.
- 123 Chair Luke Closes public hearing on HB 2579. Opens public hearing on SB 179A.

Boehringer Responds to Chair's request and explains bill.

131 Joanne Flint Asst. Superintendent, Department of Education, testifies in favor of SB 179A (**EXHIBIT J**).

Chair Luke Asks how is this different from previously defined "assessment."

165 Flint Responds that assessment previously referred to monitoring whether school districts were in compliance. It is broadened to refer to adoption of standards and the statewide assessment.

175 Wells Testifies in support of amended bill SB 179A (**EXHIBIT K**).

276 Calder Testifies in favor of SB 179A.

288 Costello Testifies in favor of SB 179A and recommends assurance forms mentioned in the standards be signed by two or more people.

321 Chair Luke Closes public hearing on SB 179A. Opens work session on SB 179A.

**SB 179A -  
WORK  
SESSION**

327 Rep. Beyer Questions what is the number of school districts in the state?

Flint Responds there are approximately 212-226 districts.

Rep. Beyer Questions what was the approximate number of districts when bill was passed 25 years ago.

Wells Responds that there were over 300 districts.

344 Flint Responds that staffing has decreased since 1991 from 20 to 12 in the Department of Education.

Chair Luke Asks for any questions regarding this bill.

356 **Rep. Thompson MOTION: Moves SB 179A to the floor with a DO PASS recommendation.**

**VOTE: 6-0**

**EXCUSED: 1 - Rep. Starr**

**Chair  
Luke**

**The motion CARRIES.**

**REP. BEYER will lead discussion on the floor.**

387 Chair Luke Closes work session on SB 179A.

390 Chair Luke Asks if two representatives from the committee will volunteer to work on HB 2579 and assist the Oregon School Boards Association to draft a policy concerning videos shown in the classroom. Representatives Deckert and Beyer volunteer.

**TAPE 39, B**

006 Chair Luke Continues giving committee members instructions on forming workgroup. Adjourns meeting at 11: 03 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 2469, written materials, staff, 9 pp**

**B - HB 2469, written testimony, John Wubben, 1 pg**

**C - HB 2469, written testimony, Bill Bell, 12 pp**

**D - HB 2469, written materials, Diane Walton 14 pp**

**E - HB 2579, written testimony, David West 1 pg**

**F - HB 2579, written testimony, Nikki Saunders, 3 pp**

**G - HB 2579, written testimony, Penny West, 1 pg**

**H - HB 2579, written testimony, Wilma Wells, 1 pg**

**I - HB 2579, written materials, Fallie Calder, 1 pp**

**J - SB 179A, written testimony, Joanne Flint, 1 pg**

**K - SB 179A, written testimony, Wilma Wells, 1 pg**