

HOUSE COMMITTEE ON EDUCATION

March 10, 1997 Hearing Room E

08:15 A.M. Tapes 56 - 59

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 2579 - Public Hearing and Work Session

HB 2805 - Public Hearing

HB 2699 - Public Hearing

HB 2637 - 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 56, A | | |
| 004 | Chair Luke | Opens meeting at 8:16 a.m. Opens work session on HB 2579. |
| <u>HB 2579 -</u> | | |

| <u>WORK SESSION</u> | | |
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| | Chair Luke | Asks staff to explain bill. |
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| 015 | Bryan Boehringer | Committee Administrator explains bill and -1, -2, and -3 amendments regarding school district policy on film/video for educational programs (EXHIBIT A) . ¹ (Indicates letter from high school teacher, current Oregon School Board Association sample policy and commercial airline policy on use of films (EXHIBIT B) . ² (|
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| | Chair Luke | Explains charge given to workgroup, Rep. Beyer, and Rep. Deckert. Asks for input. |
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| 043 | Rep. Beyer | Gives update on workgroup and their recommendations. |
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| 051 | Rep. Deckert | Gives recommendation to move the -2 amendments. |
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| 057 | Chair Luke | Asks what is the difference from current policy. |
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| 067 | Rep. Beyer | Comments there is only one mandate in schools right now, a drug and alcohol policy. The -3 amendments is a mandate which addresses commercial films. |
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| 079 | Rep. Thompson | Suggests a simple wording "school district shall adopt policies" and allow school districts to do the work. |
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| 094 | Cindy Hunt | Legislative Counsel, discusses current policies. There is no directive that schools must adopt policies on educational films. Comments that -2 amendments are not a departure from what is happening now. |
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| 105 | Rep. Beyer | Comments that many films are educational and already approved through educational service districts (ESD). |
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| 113 | Rep. Thompson | Comments he prefers to give school guidelines and not have the state mandate a policy. |
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| 121 | Rep. Deckert | Responds that is what the -1 amendments attempted. |
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| 124 | Rep. Thompson | Responds that the -1 amendments still contain too much language and/or policy in his opinion. |
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| 131 | Rep. Beyer | Comments that he agrees with Rep. Thompson's suggestion that the committee should be able to agree on a "cleaner and easier" process. |
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| 137 | Rep. Jenson | Asks if school boards are required to adopt print media. |
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| 144 | Hunt | Responds it would probably come under textbooks adoption, but will research further. |
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| | Chair Luke | Recesses work session on HB 2579. Opens public hearing on HB 2579. |
| <u>HB 2579 - PUBLIC HEARING</u> | | |
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| 157 | David West | Private citizen, testifies in favor of original bill HB 2579, but speaks against the proposed amendments. His school has a policy, but the proposed amendments will not prevent showing "R"-rated films as part of the school curriculum (EXHIBIT C). ³ (|
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| 210 | Margaret West | Private citizen, testifies in favor of original bill HB 2579, but speaks against the proposed amendments. |
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| 229 | Rep. Thompson | Asks why should the Legislative Assembly enact legislation for the entire state that represents someone's personal standards. |
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| 245 | Margaret West | Relates situation with school principal, school board and superintendent. |
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| 253 | Penny West | Student, gives testimony against proposed -1, -2, -3 amendments and testifies in favor of HB 2579. |
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| 272 | Hunt | Responds to question that if an "R"- rated movie is approved by an education service district (ESD), it would not be on the list that is made available to parents. |
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| 286 | Rep. Beyer | Responds to Chair's question that was workgroup's intent. |
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| 299 | Hunt | Responds why Motion Picture Association of America (MPAA) rating system cannot be used. Oregon law cannot be based on the rules and regulations of a private organization, which is known as unlawful delegation. |
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| 337 | Hunt | Responds to Chair's question and clarifies amendments further. |
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| 352 | Rep. Thompson | Asks if this law is enacted, would there be a penalty to school board if provisions of the law are ignored. |
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| 360 | Hunt | Responds there is a process by which funds can be withheld from a school district. |
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| 366 | Rep. Thompson | Asks if a policy is already in place, and it is ignored, what is the penalty. |
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| 371 | Hunt | Responds the biggest penalty elected officials can receive is that citizens will not re-elect them. |
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| 385 | Rep. Jenson | Comments that committee should treat film the same way written material is treated. |
| TAPE 57, A | | |
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| 001 | Rep. Jenson | Continues expressing concerns. |
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| 005 | Chair Luke | Explains textbook approval comes from Department of Education; however, if committee wants to use same procedure for films, it would have to be an entirely new procedure. |
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| 039 | Rep. Thompson | Comments that films are distributed so rapidly that it isn't feasible to institute a lengthy review process. |
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| 046 | Chair Luke | Comments that paperbacks used as supplements to textbooks are not approved by Department of Education. |
| 053 | Nikki Saunders | Student, testifies in favor of -3 amendments as long as sub section (2) is clarified. |
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| 058 | Penny West | Student, testifies there should be no "R-rated" movies shown in schools at all. |
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| 073 | Mark Blanchard | Private citizen, testifies in favor of HB 2579 without amendments. (EXHIBIT D) . ⁴ (Makes reference to ORS 336.067 |
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| 114 | Chair Luke | Reads section ORS 336.067 into the record. |
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| 128 | Blanchard | Continues testimony. |
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| 224 | Rep. Leslie Lewis | Representative District 29, gives testimony and recommends retaining parental consent as in the -1 or the -3 amendments. |
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| 251 | Hunt | Responds to Chair's question that if passed, this statute would go into ORS at Chapter 336, Conduct of Schools. |
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| 285 | Rep. Beyer | Explains to Rep. Lewis that neither the -1 amendments nor the -3 amendments address situation. If "R"- rated movies are already approved by an ESD, they would not be on a list to the parents. |
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| 297 | Rep. Lewis | Agrees that a modification to include parents would be preferred. |
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| 305 | Rep. Starr | Discusses the -1 amendments. Asks if it would be preferable to insert a period after "programs" in line 5. |
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| 326 | Rep. Lewis | Responds that would be preferred. |
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| 348 | Judy Miller | Asst. Superintendent, Department of Education (ODE), speaks against HB 2579 as currently written. Comments she would favor Rep. Thompson's suggestion. Comments that videos are not textbooks and if ODE reviewed videos, it would be extremely cumbersome. |
| TAPE 56, B | | |
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| 001 | Miller | Continues testimony. |
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| 019 | Chair Luke | Comments there is a problem with the Legislative Assembly micromanaging local school boards, but he does not have a problem setting statewide policy. If each school district instituted an individual policy, it would be inconsistent. |
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| 031 | Wilma Wells | Legislative Assistant, Confederation of School Administrators, speaks against HB 2579. Agrees with Chair's suggestion that ODE should set policy. |
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| 046 | Chair Luke | Comments that the relating clause would allow committee to amend bill so that ODE will adopt a film or video policy. |
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| 058 | Rep. Starr | Comments that ORS 336.067 has been in statute for many years and he is in favor of values specified in it. |
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| 073 | Rep. Sunseri | Comments that "shall adopt policies" doesn't clarify the issue. |
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| 080 | Chair Luke | Comments bill and amendments need more work; committee is not ready to move bill yet. |
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| | Chair Luke | Closes public hearing on HB 2579. Reconvenes work session on HB 2579. |
| <u>HB 2579 - WORK SESSION</u> | | |
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| 100 | Rep. Beyer | Suggests that committee amend bill further. |
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| 109 | Rep. Thompson | Comments that committee should not micromanage school boards and not dictate personal morals to a school district. |
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| 116 | Chair Luke | Comments committee should not be mandating personal views. Comments further that there is a process in place to remove school board members if actions do not represent community views. |
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| 124 | Rep. Beyer | Comments that five years ago he would have agreed with Rep. Thompson. Citizens do not have enough input at the local level anymore. Comments his former local school board encompassed a large area. Local school boards have been micromanaged out of existence. |
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| 138 | Rep. Jenson | Comments that film should not be treated differently than textbooks. |
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| 176 | Rep. Sunseri | Expresses concerns that committee is opting out and letting situation resolve itself. |
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| 193 | Chair Luke | Comments that ODE could take responsibility for handling the situation with timelines built in for protection of families in the policies developed. |

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| 230 | Rep. Starr | Comments that unless this legislation is fairly specific, parents will not have an opportunity to address situation. |
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| 251 | Chair Luke | Responds that Chair will work with sponsor of the bill and bring it back with an amendment that deals with the ODE and will get some input from the committee. Asks Rep. Beyer to work with Legislative Counsel. |
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| 271 | Chair Luke | Closes work session on HB 2579. |
| <u>HB 2805, 2699</u> | | |
| <u>- PUBLIC HEARING</u> | | |
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| | Chair Luke | Asks staff to explain bills which are similar. |
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| | Bryan Boehringer | Committee Administrator, explains HB 2699 lowers the minimum age of children required to attend school. HB 2805 requires child enrolled in first grade to attend school. |
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| | Rep. Bob Repine | Represents District 49, testifies in favor of HB 2699. Comments bill is not an attempt to undermine family values. There is an inconsistency in the law. |
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| 357 | Rep. Repine | Comments there are parents in Oregon who do not put children in school because it is not convenient to the parents. |
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| 387 | Rep. Jenson | Explains he would be agreeable to an amendment which would consider maturity of the child rather than tie enrollment to age. |
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| 394 | Rep. Repine | Comments that the bill was introduced to show some inconsistencies in current law. Current system is ready to deal with a child at age 5. |
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| 408 | Rep. Thompson | Explains that in his district pre-school session is only 2 days a week. |
| TAPE 57, B | | |
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| 002 | Rep. Thompson | Continues testimony and explains transportation issues young children face in rural districts. |
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| 018 | Rep. Repine | Comments if there is going to be a kindergarten system, then it should be applicable to all. |
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| 026 | Chair Luke | Explains that HB 2805 indicates that once child is enrolled, truancy laws apply. |
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| 040 | Rep. Sunseri | Asks how would bill affect home schooling. |
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| 043 | Boehringer | Responds there is an exemption in the law that addresses home schooling. |
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| 047 | Rep. Repine | Explains bill's purpose is to identify parents not invested in their children as they should be. |
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| 051 | Rep. Sunseri | Asks how that would be determined. |
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| 066 | Rep. Repine | Responds and comments that this is an issue the committee should address: "How do students enter system." |
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| 081 | Tom Partridge | Counselor, Cottage Grove School District, speaks in favor of HB 2805 (EXHIBIT E) . [5] (|
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| 053 | Rep. Sunseri | Asks questions regarding truancy. |
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| 055 | Partridge | Responds that of the 150 families he monitors, probably 60-70 of the parents do not care if children attend school. |
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| | Rep. Jenson | Asks for comments about child's maturity. |
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| 190 | Partridge | Responds that there could be a provision for parents to make that choice. |
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| 196 | Chair Luke | Clarifies that is legal if you do not enroll child, but once enrolled, then truancy laws do apply. |
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| 268 | Judy Miller | Asst. Superintendent, Department of Education, testifies against HB 2699. Would not like to set the compulsory age for entering school |

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| | | at age 5. Comments that ODE has not taken a position on HB 2805 at this time but bill seems reasonable. |
| 332 | Rep. Sunseri | Asks if there are statistics on the number of children that come to school who are not prepared to learn. |
| 340 | Miller | Responds that a study was done 3 years ago, and there is some data available on the limited number of students sampled. Comments she will provide that to the committee. |
| 371 | Wilma Wells | Legislative Assistant, Confederation of School Administrators (COSA), testifies against HB 2699 (EXHIBIT F). ⁶ (|
| TAPE 58, A | | |
| 001 | Wells | Continues testimony. Comments COSA has no objection to HB 2805. |
| 008 | Rep. Thompson | Comments he is a believer in getting young children to school if facility is close enough to home; not all parts of the state are equal. |
| | Chair Luke | Closes public hearing on HB 2805 and HB 2699. Opens public hearing on HB 2637. |
| <u>HB 2637 - PUBLIC HEARING</u> | | |
| 027 | Rep. Jenson | Represents District 57, testifies in favor of HB 2637 (EXHIBIT G). ⁷ (|
| 090 | Chair Luke | Asks if bill applies to professional schools or apprenticeships. |
| 094 | Rep. Jenson | Responds that it does not but could be amended. |
| 101 | Rep. Thompson | Asks what is the tax loss to the state. |
| 103 | Rep. Jenson | Responds \$45 for each child/beneficiary per year. Clarifies how dollars are invested and who controls investment. |
| 121 | Rep. Beyer | Clarifies that bill specifies \$500 maximum per child is a tax deduction. Asks for specifics if amount is larger. |

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| 127 | Rep. Jenson | Responds that the first \$500 qualifies as a tax deduction. Any amount over that could be invested, but only the accumulated interest earned is tax free for Oregon taxpayers. |
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| 135 | Rep. Starr | Asks if "individual" means any relative. |
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| 141 | Rep. Jenson | Responds that is the intent of the bill. |
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| 146 | Chair Luke | Summarizes for the record, by establishing an Individual Retirement Account (IRA) for a child, the state tax liability for the trustee of the account is reduced up to a maximum of \$500. If the IRA is in a child's name, any interest that accumulates is a tax liability to the child and is taxable when it is withdrawn. However, if child withdraws and uses funds for educational purposes, funds are not taxable. |
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| 187 | Rep. Thompson | Asks what are the parameters of investment. |
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| 192 | Rep. Jenson | Responds any of the IRA-type investments would apply. |
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| 196 | Rep. Sunseri | Asks if the \$500 deduction is cumulative. |
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| 224 | Rep. Jenson | Clarifies math as indicated in exhibit. |
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| 237 | Chair Luke | Asks if several individuals can open multiple accounts. |
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| | Rep. Jenson | Responds that was not the intention but could amend bill. |
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| 253 | Rep. Jo Ann Bowman | Represents District 19, testifies in favor of HB 2637. |
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| | Chair Luke | Asks for clarification of bill's intent as co-sponsor of the bill. |
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| | Rep. Bowman | Responds, one person and one account. |
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| 294 | Rep. Jenson | Responds to committee's question that he has no serious objection to two accounts per child. |

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| | Chair Luke | Comments there would be a larger impact to general fund. |
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| 360 | Andy Clark | Associate Director of Government Relations, Office of the Chancellor Oregon , Oregon State System of Higher Education, responds to Chair's question how bill would impact student's federal financial aid, grants, etc. Gives information from Washington, D. C. seminar that impact to programs like these is "being worked out." |
| TAPE 59, A | | |
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| 003 | Chair Luke | Discusses the "Oregon Need Grant" which is leveraged by federal monies. |
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| 013 | Chair Luke | Responds to committee's questions about returning monies should child not attend college. Money is a gift and there might be problems returning it. |
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| 037 | Chair Luke | Comments that bill will probably come back for more discussion. Closes public hearing on HB 2637. Adjourns at 10:45 a.m. |

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

EXHIBIT SUMMARY

¹(A - HB 2579, proposed amendments, staff, 3 pp

²(B - HB 2579, written material, staff, 4 pp

³(C - HB 2579, written testimony, David West, 1 pg

⁴(D - HB 2579, written testimony, Mark Blanchard, 4 pp

[\[5\]](#)(E - HB 2805, written testimony, Tom Partridge, 2 pp

⁶(F - HB 2699, written testimony, Wilma Wells, 2 pp

⁷(G - HB 2637, written testimony, Bob Jenson, 2 pp

H - HB 2805, submitted testimony, Ike Launstein, 1 pg