

HOUSE COMMITTEE ON EDUCATION

March 12, 1997 Hearing Room E

08:15 A.M. Tapes 60 - 63

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 2352 - Work Session

HB 2340 - Work Session

HB 2387 - Public Hearing and Work Session

HB 2979 - Public Hearing

HB 2532 - 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 60, A		

004	Chair Luke	Opens meeting at 8:16 a.m. Opens work session on HB 2352.
<u>HB 2352 - WORK SESSION</u>		
	Chair Luke	Asks staff to explain the bill.
	Bryan Boehringer	Committee Administrator explains bill and the -1 amendments which inserts "or a component school district" on page 3, line 14, after "district." (EXHIBIT A) .
	Rep. Beyer	MOTION: Moves to ADOPT HB 2352-1 amendments dated 03/11/97.
	Rep. Jenson	Asks what are component school districts.
025	Rep. Beyer	Responds that elementary school districts only include schools that are not part of a unified high school district. Component school districts are comprised of elementary school districts that feed into a unified high school district.
	Chair Luke	Asks if committee has objections to the -1 amendments.
	Chair Luke	Hearing no objection, declares the motion CARRIED.
036	Rep. Beyer	MOTION: Moves HB 2352 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-3 AYE: 4 - Beyer, Starr, Sunseri, Luke NAY: 3 - Deckert, Jenson, Thompson
	Chair Luke	The motion CARRIES. REP. BEYER will lead discussion on the floor.
044	Chair Luke	Closes work session on HB 2352. Opens work session on HB 2340.
<u>HB 2340 - WORK</u>		

SESSION		
	Chair Luke	Asks staff to explain the bill.
	Boehringer	Explains that the bill exempts certain component school districts from mandatory merger.
	Rep. Beyer	MOTION: Moves HB 2340 to the floor with a DO PASS recommendation.
		VOTE: 5-2 AYE: 5 - Beyer, Jenson, Starr, Sunseri, Luke NAY: 2 - Deckert, Thompson
	Chair Luke	The motion CARRIES. REP. MESSERLE and REP. LEHMAN will lead discussion on the floor.
	Chair Luke	Closes work session on HB 2340. Opens public hearing on HB 2387.
<u>HB 2387 - PUBLIC HEARING</u>		
065	Chair Luke	Asks staff to explain the bill.
070	Boehringer	Explains the bill and the -1 amendments which allows the Oregon System of Higher Education (OSSHE) and the Department of Education (DOE) to opt out of the bill if a joint plan is submitted that is approved by the 1999 Legislative Assembly (EXHIBIT B).

098	Grattan Kerans	Legislative Representative, OSSHE, testifies regarding the -1 amendments.
121	Rep. Jenson	Comments that lower division course changes represent a major problem for students from community colleges who have previously taken those courses before changes went into effect.
132	Kerans	Responds OSSHE is working on it.
159	Chair Luke	Inquires if any community college representatives wish to testify. Hearing no response, closes public hearing on HB 2387. Opens work session on

HB 2387.

**HB 2387 -
WORK
SESSION**

Rep. Starr **MOTION: Moves to ADOPT HB 2387-1 amendments dated 03/11/97.**

Chair Luke **Hearing no objection, declares the motion CARRIED.**

Rep. Starr **MOTION: Moves HB 2387 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 6-0

AYE: 6 - Beyer, Deckert, Jenson, Starr, Sunseri, Luke

EXCUSED: 1 - Thompson

The motion CARRIES.

Chair Luke

REP. STARR will lead discussion on the floor.

186

Chair Luke Closes work session on HB 2387. Opens public hearing on HB 2979.

**HB 2979 -
PUBLIC
HEARING**

Chair Luke Asks staff to explain the bill.

Boehringer Explains that bill HB 2979 directs DOE to adopt minimum requirements for school district policies on sexual harassment of students and to establish a uniform policy.

201

Rep. Patti Milne

Represents District 38, testifies in favor of HB 2979. Explains situation in schools involving sexual harassment and comments that most schools do not have a policy to deal with these kinds of situations.

275

Rep. Starr

Comments that as co-author of the bill, he feels the need for uniform guidelines is appropriate.

295

Rep. Jenson

Asks if there are statistics on school districts that do not have policies in place regarding sexual harassment.

- Rep. Milne Responds she has no statistics and comments that for schools that have a policy, it has been determined that the policy is inadequate.
- 315 Chair Luke Comments that the committee will bring bill back when there is more information.
- 326 Fallie Calder Legislative Representative, Oregon School Boards Association (OSBA), testifies against HB 2979. Comments OSBA would prefer that the Legislature leave policy making at the local level (**EXHIBIT C**).
- Rep. Jenson Asks if there is any significant difference in proposed legislation and in the current OSBA policy.
- 385 Calder Comments that there doesn't appear to be much difference but OSBA is concerned with state mandating the guidelines.
- Chair Luke Asks if OSBA can work with sponsors of the bill to address concerns.
- 403 Calder Responds there are concerns that the state is directing the policy. A better approach would be to establish suggested guidelines but not mandatory guidelines.

TAPE 61, A

- 003 Rep. Jenson Asks if the OSBA policy has the same language as cited on line 20, subsection (h), page 1 of the bill.
- Calder Responds there are provisions that parents should be notified.
- Rep. Jenson Comments it is important to note that policy is not exclusive to teachers.
- Cindy Hunt Legislative Counsel clarifies committee's questions regarding subsection (h), page 1 in the bill. Comments there currently isn't a state law mandating what policy should be.
- 052 Rep. Jenson Comments there are concerns with subsection (h). Asks if there would be legal complications if the result of an incident is made public when the aggressor is a student.
- 064 Hunt Comments that usually any disciplinary action taken against a student is not made public, but that decision varies by school district.

076	Rep. Jenson	Asks if a procedure for appeal should be included in the bill if disciplinary measures are in the bill.
	Hunt	Responds that would be appropriate but not sure if it is legally necessary.
085	Chair Luke	Asks about policy for state employees and if it is the same at all levels.
	Hunt	Responds that in higher education each institution adopts its own policy, and that policies vary from one state agency to another.
114	Wilma Wells	Legislative Assistant, Confederation of School Administrators, testifies against HB 2979. Comments students do have the right to due process.
129	Chair Luke	Asks how can students adequately appeal complaint to the school board if they do not know the ramifications of the complaint.
136	Wells	Responds that between students there is a need to let parents know the result of the disciplinary action. Comments that principals cannot be specific in relating what action is taken if a teacher is involved. Could only inform parents that a written reprimand is included in teacher's file. Responds to Chair's question that if a teacher is accused of harassment it would be difficult to keep it quiet since there usually is a police investigation.
242	Sharon Rao	Parent, testifies in favor of HB 2979, and explains situation her daughter experienced at school (EXHIBIT D). Comments there is a big gap in policies concerning teacher vs. student harassment, and policies concerning adult vs. adult harassment (EXHIBIT E).
333	Chair Luke	Asks if the complaint filed with the principal is in the teacher's file.
	Rao	Responds that it is not.
338	Chair Luke	Comments that policy should be to put a complaint in a teacher's file.
352	Rao	Comments that the student did not finish class with that teacher since information was never disclosed to family.
362	Rao	Responds to committee's question that as far as school is concerned the matter is closed.
	Vice-Chair Thompson	Comments that committee will bring this bill back for a work session at a later time. Closes public hearing on HB 2979. Opens public hearing on

HB 2532.

**HB 2532 -
PUBLIC
HEARING**

Vice-Chair
Thompson Asks staff to explain bill.

TAPE 60, B

005 Boehringer Explains that bill allows school districts to withdraw from education service districts and also allows dissolution and formation of education service districts (ESD).

Sen.
Jeannette
Hamby Represents Senate District 5, testifies in favor of HB 2532. Anticipates that this bill will provoke vigorous debate.

032 Rep. Beyer Comments that this bill takes a broad approach. School districts can refuse most services of an ESD.

039 Sen. Hamby Comments that some ESDs have not been so cooperative.

042 Willie Smith Legislative Assistant to Rep. Jim Hill, testifies in favor of HB 2532 and explains the two amendments distributed (**EXHIBIT F**).

088 Rep. Deckert Asks for examples of overcharging.

Smith Comments that ESD testing costs are higher than if schools could administer the tests themselves and keep the money normally paid to the ESD.

100 Chair Luke Asks if bill was introduced on behalf of one or more school districts.

Smith Responds not specifically.

Chair Luke Comments that the witness list for today indicates no support for this bill and suggests individuals who support this bill attend committee hearing the next time the bill is heard.

120 John Young Superintendent, Northwest Regional ESD, testifies against HB 2532 (**EXHIBIT G**).

182 Chair Luke Asks if schools can choose to go to other ESDs.

Young Responds that the current law allows that.

196 Betsy Biller Director of Communications, Hillsboro ESD, testifies against HB 2532. **(EXHIBIT H)**.

220 Yvonne Katz Superintendent, Beaverton School District, testifies against HB 2532.

340 Rep. Deckert Asks for response to concerns expressed that there is overcharging and asks if there is a better way to spend the money.

Young Responds that every school district is undergoing "growing pains" with mergers, consolidations, etc. Mergers have caused an equalizing of tax rates in four counties, and the level of equity of service that is required has resulted in some increased fees.

TAPE 61, B

003 Young Continues testimony.

008 Sen. Randy Leonard Represents Senate District 9, testifies against HB 2532.

049 Rep. Sunseri Asks for examples of savings.

053 Sen. Leonard Responds that the ESD in his district offers a comprehensive film library for schools. Also print costs are less by utilizing the print shop the ESD owns.

090 Francis Charbonnier Member, McMinnville School Board, indicates he is neutral towards HB 2532. Provides information that Yamhill ESD has a few problems, but did not think the issues justified dissolving the ESD.

133 Chair Luke Asks for discussion and solution to one or two problems.

138 Charbonnier Responds priority should be focused on special education and instructional services in terms of both offering and funding those services with ESD dollars. Comments Yamhill ESD is not responsive in either of these areas. Their overhead costs have been increasing and are completely out of line in comparison with other ESDs. Suggests that a provision be in the bill that schools could opt out, but not dissolve ESD.

- 194 Rep. Sunseri Comments committee just had testimony that a school can opt out. Asks if it is practical or impractical to do so.
- Charbonnier Responds he was not aware that school could opt out.
- 205 Chair Luke Comments that staff will find out and supply that information to the committee.
- 215 Don Loving Public Affairs Officer, American Federation of State, County & Municipal Employees (AFSCME), represents Multnomah Co. ESD, testifies against HB 2532.
- 257 Bob Sari Superintendent, Santiam Canyon School District, testifies against HB 2532. Comments it would be impossible for small school districts to provide services of an ESD.
- 295 Chair Luke Asks process for opting out of a particular ESD.
- 302 Sari Responds that an ESD offers choices of services in which school districts can participate; such as, special education consortium, testing, etc.
- 355 Mary Keino Representative, Yamhill ESD, testifies against HB 2532.

TAPE 62, A

- 001 Keino Continues testimony.
- 007 Jim Mabbott Superintendent, Riverdale School District, testifies against HB 2532 **(EXHIBIT I)**.
- 042 Keith Robinson Superintendent, Centennial School District, testifies against HB 2532 **(EXHIBIT J)**.
- 98 Hunt Legislative Counsel, responds to Chair's question regarding what happens to funds when school district opts out of a particular ESD. If school contracts with an ESD not their own, money follows the contract.
- 111 Rep. Sunseri Asks for further clarification regarding funding.
- Chair Luke Asks staff to get together with OSBA and others and compile a report on how funding is affected.

- 128 Jerry Bennett Superintendent, Linn-Benton-Lincoln ESD, testifies against HB 2532
(EXHIBIT K).
- 219 Keith Brown Director, Special Education, Linn-Benton-Lincoln ESD, testifies against
HB 2532 (EXHIBIT L).
- 259 Judy Edwards Coordinator, Service Integration Program, Linn-Benton-Lincoln ESD,
testifies against HB 2532.
- 315 Ron O'Day Superintendent, Alsea School District, testifies against HB 2532.

TAPE 63, A

- 005 Chair Luke Comments that Wilma Wells, Confederation of School Administrators, is
submitting written testimony (EXHIBIT M).
- 020 Jerry Shiveley Deputy Superintendent, Multnomah ESD, testifies against HB 2532
(EXHIBIT N).
- 073 Mark Abrams Chairman, Multnomah ESD, testifies against HB 2532.
- 117 Jean Haliski Board Member, Multnomah ESD, testifies against HB 2532.
- 143 Chair Luke Comments that committee does not sense a lot of support for this bill.
Asks for input on previous bill regarding school sexual harassment
policies.
- 160 Shiveley Responds that there is a policy in place and believes most schools have a
policy.
- 167 Abrams Comments there is a complex web of federal and state laws which are
constantly mutating. Comments he is not in favor of a state mandated
policy.
- 183 Shiveley Responds to committee's other questions that ESDs would not be
interested in sponsoring charter schools. Comments preference is to
remain of service to school districts as opposed to becoming a regulatory
factor.
- 195 Rep. Sunseri Comments that since ESDs are elected it would be reasonable to use
ESDs in any appeal process rather than any other group that is not

elected.

- 197 Chair Luke Comments that whoever charters the school is responsible for the school and ESDs would be a logical choice.
- Chair Luke Asks for input on potential conflicts in HB 2979.
- 241 Abrams Responds that expertise may not rest with the Department of Education but with the Bureau of Labor and Industry. Comments there is no consensus in the private sector on handling a sexual harassment issue.
- 296 Patti Swanson Board Member, Multnomah ESD, responds to Chair's question regarding HB 2979 and the sexual harassment discussion.
- Chair Luke Closes public hearing on HB 2532. Adjourns meeting at 10:55 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2352, proposed amendments, staff, 1 pg

B - HB 2387, proposed amendments, staff, 1 pg

C - HB 2979, written materials, Fallie Calder, 10 pp

D - HB 2979, written testimony, Sharon Rao, 1 pg

E - HB 2979, written testimony, Cecily Rao, 1 pg

F - HB 2532, written materials, Willie Smith, 3 pp

G - HB 2532, written testimony, John Young, 1 pg

H - HB 2532, written testimony, Betsy Biller 1 pg

I - HB 2532, written testimony, Jim Mabbott, 2 pp

J - HB 2532, written testimony, Keith Robinson, 1 pg

K - HB 2532, written testimony, Jerry Bennett, 3 pp

L - HB 2532, written materials, Keith Brown, 1 pg

M - HB 2532, written testimony, Wilma Wells, 2 pp

N - HB 2532, written testimony, Jerry Shiveley, 4 pp

O - HB 2532, written material, Thomas Ruhl, 3 pp