

**HOUSE COMMITTEE ON EDUCATION**

**April 7, 1997 Hearing Room E**

**08:15 A.M. Tapes 92 - 94**

**MEMBERS PRESENT:**

**Rep. Dennis Luke, Chair**

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

**Rep. Roger Beyer**

**Rep. Ron Sunseri**

**Rep. Charles Starr**

**Rep. Bob Jenson**

**Rep. Ryan Deckert**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Bryan Boehringer, Administrator**

**Joan Diaz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2579 - Work Session**

**HB 2637 - Work Session**

**HB 3153 - Public Hearing**

**HB 2115 - Public Hearing and Work Session**

**SB 184A - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 92, A</b>		

004	Chair Luke	Calls meeting to order at 8:15 a.m. Opens work session on HB 2579.
<b><u>HB 2579 - WORK SESSION</u></b>		
010	Chair Luke	Asks staff to explain bill.
015	Bryan Boehringer	Committee Administrator, explains the bill and the -5 amendments which replace the bill ( <b>EXHIBIT A</b> ). <sup>1</sup> (
	Rep. Thompson	Asks who originated the -5 amendments.
	Boehringer	Responds the Department of Education, the Chair and Rep. Lewis worked on the amendments.
	Rep. Sunseri	Asks questions regarding subsection 6.
	Boehringer	Responds how restricted movies would be shown.
057	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), responds to questions on how the bill with the -5 amendments would be put into effect.
077	Rep. Sunseri	Questions the educational value of some of the "R"-rated films shown in the public schools.
	McMurdo	Responds that the educational value would be determined by the individual teacher.
	Rep. Deckert	Refers to line 18, subsection 6 and asks what are the conditions for showing films or videos.
098	McMurdo	Responds that it depends on the rule making process that the advisory committee originates.
	Rep. Beyer	Asks if ODE would develop a list similar to an approved textbook list.
	McMurdo	Responds that that would be cumbersome.

120	Chair Luke	Comments that the bill requires ODE to develop a policy that will be distributed to local school boards.
	Rep. Sunseri	Asks if the concerns previously discussed have been resolved.
	Chair Luke	Responds that he conferred with sponsor of the bill and her constituents. Explains that bill will provide some uniformity to a policy even though local school boards would develop their own policy.
154	Rep. Sunseri	Asks if this bill allows local school boards to ban "X"-rated films. Comments he would support that. Would like legal opinion if this bill establishes local choice.
	Chair Luke	Recesses HB 2579. Opens work session on HB 2637.
<b><u>HB 2637 - WORK SESSION</u></b>		
	Rep. Jenson	Discusses HB 2637 with the -1, -2, and -3 amendments ( <b>EXHIBIT B</b> ) <sup>2</sup> ( and impact statements which compare impact of educational savings account vs. impact of an interest tax exemption ( <b>EXHIBIT C</b> ). <sup>3</sup> (
272	Dexter Johnson	Deputy, Legislative Counsel, responds to Chair's question that bill does not spell out who would own the educational account. An agreement between a financial institution and the account holder would specify that.
	Chair Luke	Suggests discussing further with Legislative Counsel. Comments that if student owns the account, tax on interest earned would be minimal since student would probably have little or no income.
	Johnson	Explains bill as written states money must be spent by age 25; parent would have to recognize account as income if not spent before age deadline.
403	Chair Luke	Comments he would prefer account with these features: * one account  * to a maximum of \$1500 a year

		* multiple contributors * interest tax free
<b>TAPE 93, A</b>		
002	Rep. Jenson	Responds if the interest is tax free, the bill could be amended to remove the \$500 limit.
014	Chair Luke	Comments that one of the problems with individuals holding the account for the child, is that the account holder can spend funds.
	Rep. Sunseri	Comments this is a good bill, would prefer individual accounts in the event accounts would have to be re-distributed to contributors.
	Rep. Thompson	Comments he would prefer making it difficult to withdraw funds. By having one account, it would be more difficult.
043	Bryan Boehringer	Committee Administrator, responds to committee's question that bill has a subsequent referral to Revenue which will determine how much state revenue might be lost.
	Rep. Jenson	Comments that his calculations in material submitted indicate the loss to the state. Comments he would welcome amendments.
076	Chair Luke	Explains changes he would like to see and comments that Legislative Counsel is present and taking note of request.
	Rep. Thompson	Comments he would like it specified who keeps account when there are multiple contributors and the beneficiary dies.
122	Rep. Jenson	Asks about having multiple accounts and also having multiple donors to one account. Asks are both choices possible.
	Chair Luke	Explains that Legislative Revenue needs to calculate figures on one account with multiple donors.
	Chair Luke	Comments on patterning it after the Individual Retirement Account (IRA) provisions.
	Johnson	Responds that there must be a mechanism for tracking tax free interest

		over the years.
	Chair Luke	<p>Suggests:</p> <ul style="list-style-type: none"> <li>* Account stay at \$2000 and Revenue can determine impact.</li> <li>* One account, multiple donors.</li> <li>* After tax dollars.</li> <li>* Withdraw for a community college, 4 year institution or a trade school.</li> <li>* Any post secondary education activity which will provide lifelong educational opportunity to student.</li> </ul>
207	Johnson	Comments a legitimate educational enterprise must be identified; not certain how you would identify.
	McMurdo	Suggests including language such as, "private career schools licensed by Department of Education" in section 2 (5) of the bill.
240	Miller	Responds to Chair's questions regarding the intent in drafting the amendments.
240	Johnson	Recommends scaling back the reporting requirements for trustee if bill is limited to earning interest tax free.
	Chair Luke	Asks Johnson to draft further amendments. Closes work session on HB 2637. Reconvenes work session on HB 2579.
<b><u>HB 2579 - WORK SESSION</u></b>		
	Cindy Hunt	Legislative Counsel, responds to questions regarding showing "R"- rated movies that it would depend on policy adopted.
275	Rep. Sunseri	Suggests additional amendment that would allow local school board to prohibit showing the "R" or "NC-17"-rated films as defined by the rating system of the Motion Picture Association of America.
	Chair Luke	Suggests putting it in a separate section in the bill rather than a subsection to Section 1. Then the Department of Education would not have to write

		the rule.
	Chair Luke	Asks that further amendments be drafted from Legislative Counsel. Closes work session on HB 2579. Opens public hearing on HB 3153.
<b>HB 3153 - PUBLIC HEARING</b>		
	Bryan Boehringer	Committee Administrator, explains bill. Refers to written testimony submitted from witnesses who could not be present: Sandra Fink, Special Education, Northwest Regional Education Service District; Sister Parrish, Principal, St. Mary of the Valley Grade School; Susan Browder, Occupational Therapist, Legacy Rehabilitation Services. <b>(EXHIBIT D)</b> . <sup>4</sup> (
343	Charlie Bailey	Legislative Assistant with Representative Brian, introduces constituent, Lori Choruby
	Lori Choruby	Parent, testifies in favor of HB 3153 <b>(EXHIBIT E)</b> . <sup>5</sup> (
<b>TAPE 92, B</b>		
001	Choruby	Continues testimony.
031	Lori Davis	Teacher, St. Mary of the Valley Grade School, testifies in favor of HB 3153.
074	Wilma Wells	Legislative Assistant, Confederation of School Administrators, testifies in favor of HB 3153. Suggests minor changes in the bill.
110	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), testifies against HB 3153 because ODE believes it is unnecessary and that it violates federal law.
	Jane Mulholland	Asst. Superintendent, Office of Special Education, Department of Education, testifies against HB 3153 and explains federal law which specifies reviewing special needs of a child before assuming needs. Placements and special services are then determined.
	McMurdo	Comments that parents have rights if they believe placement isn't proper.

	Chair Luke	Asks Mulholland to meet with Charlie Bailey and constituent to determine if parent's needs are being met. Closes public hearing on HB 3153. Opens public hearing on HB 2115.
<b><u>HB 2115 PUBLIC HEARING</u></b>		
	Chair Luke	Asks staff to explain bill.
220	Bryan Boehringer	Committee Administrator, explains that bill sets minimum fee for beginning teacher assessments, changes title of agency head to "Executive Director," and sets maximum fee for alternative assessment of teachers.
	Jennifer Heiss	Chair, Teacher Standards and Practices Commission, testifies in favor of HB 2115.
	David Myton	Executive Secretary, testifies in favor of HB 2115 ( <b>EXHIBIT F</b> ). Responds to Chair's question that these fees are in their budget. <a href="#">[6]</a> (
290	Joan Boyle	President, Oregon Association of Colleges of Teacher Education, testifies in favor of HB 2115 ( <b>EXHIBIT G</b> ). <sup>7</sup> (
	Chair Luke	Closes public hearing on HB 2115. Opens work session on HB 2115.
<b><u>HB 2115 WORK SESSION</u></b>		
310	<b>Rep. Thompson</b>	<b>MOTION: Moves HB 2115 to the floor with a DO PASS recommendation.</b>
	Rep. Jenson	Responds that he needs clarification of the bill's intent.
360	Myton	Testifies further as to bill's intent.
	Rep. Jenson	Expresses concerns with out of state individuals who have trouble passing an existing test that Oregon students are required to pass.
	Myton	Testifies most of the alternative assessments have been of Oregon students. Further clarifies issue.

<u>TAPE 93, B</u>		
001	Rep. Jenson	Continues to ask for clarification. Comments that committee might be "watering down" previous standards.
	Myton	Explains statute requires out of staters be treated the same as Oregonians. Explains alternative assessments are in the spirit of the 21st Century School Act.
025	Rep. Thompson	Explains he would be one individual to which this bill would apply. Comments he is in favor of the bill.
	Myton	Responds to committee's questions that it is anticipated that the Commission would process 120 applicants during 1997-99; of that number, 15-20 would be out of state applicants.
	Rep. Beyer	Asks if this applies to someone with no prior teaching training but has practical experience.
	Myton	Responds and describes process for licensure for a professional who has no formal teaching training.
	Rep. Jenson	Explains that he still has concerns with some aspects of the bill.
	Chair Luke	Asks clerk to call roll.
137		<b>VOTE: 6-1</b> <b>AYE: 6 - Beyer, Deckert, Starr, Sunseri, Thompson, Luke</b> <b>NAY: 1 - Jenson</b>
	<b>Chair Luke</b>	<b>The motion CARRIES.</b> <b>REP. DECKERT will lead discussion on the floor.</b>
	Chair Luke	Closes work session on HB 2115. Opens public hearing on SB 184A.
<b><u>SB 184A - PUBLIC HEARING</u></b>		
155	Bryan	Committee Administrator, explains bill.

	Boehringer	
	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), testifies in favor of SB 184A. [8](Relates incident of lawsuit that was filed in Bend against individual school board members, school district and ODE. Explains bill will clarify language that private alternative education programs are offered to meet students' educational needs.
215	Sen. Neil Bryant	Represents Senate District 27, testifies as attorney for Bend-La Pine School District and is in favor of SB 184A which makes bill retroactive to July 1, 1995.
340	Leon Fuhrman	Specialist, Alternative Education, Department of Education, testifies in favor of SB 184A. Comments there are 45,000 students in alternative programs at the present time (EXHIBIT H). [9](
396	Rep. Jenson	Asks about current enrollment and the track record or data on achievements of those students.
<b>TAPE 94, A</b>		
003	Fuhrman	Responds that 80% of the students were successful in their programs and enrollment was retained. Comments summary is available for the committee.
017	McMurdo	Comments that bill represents what current law is per Judge Barber, Marion County.
	Rep. Deckert	Asks for information on safeguards that standards are being achieved in the 117 private, alternative programs currently being operated.
031	Fuhrman	Explains how the ODE assures that a program is operating in a safe environment and that money is used properly.
049	Chair Luke	Asks if some educational alternative programs are for disciplinary or learning impaired students.
	Fuhrman	Responds that some are for special needs students if it has been approved by Department of Education.
		Attorney, Oregon Education Association, testifies against SB 184A (EXHIBIT I). [10]( Comments expansion in this bill is a limitless

064	Monica Smith	expansion, and the state doesn't have money to meet every educational interest. Comments bill is an invitation for parents to send child to a private school with public funding for whatever reason. Alternative educational programs are essentially unregulated. There's nothing in regulations that prevents these private institutions from charging tuition.
	Chair Luke	Asks if she represents individuals who filed the lawsuit in Bend.
187	Smith	Responds why individual school board members were brought into the lawsuit. Refers to ORS 294.100.
230	Jim Green	Legislative Representative, Oregon School Boards Association, testifies in favor of SB 184A <b>(EXHIBIT J)</b> . <sup>11</sup> (
	Chair Luke	Clarifies how and why the Bend Community School was formed.
	Green	Agrees with Chair's statement.
	Green	Responds to committee's questions that the Constitution prohibits using state funds for religious training.
300	Green	Responds to committee's questions that a local school board has the ability to meet the unique needs of their students.
	Chair Luke	Asks what is the difference between this bill and a charter school bill.
335	Green	Responds that someone else has to sponsor a charter school besides the local school board and that funding may be different
352	Wilma Wells	Legislative Assistant, Confederation of School Administrators, testifies in favor of SB 184A. Comments that it gives parents more options <b>(EXHIBIT K)</b> . <sup>12</sup> (
369	Chair Luke	Closes public hearing on SB 184A. Adjourns meeting at 10:35 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

## **EXHIBIT SUMMARY**

<sup>1</sup>( **A - HB 2579, proposed amendments, staff, 1 pg**

<sup>2</sup>( **B - HB 2637, proposed amendments, staff, 3 pp**

<sup>3</sup>( **C - HB 2637, written materials, staff, 3 pp**

<sup>4</sup>( **D - HB 3153, submitted testimony, 3 pp**

<sup>5</sup>( **E - HB 3153, written testimony, Lori Choruby, 1 pg**

[\[6\]](#)( **F - HB 2115, written testimony, David Myton, 1 pg**

<sup>7</sup>( **G - HB 2115, written testimony, Joan Boyle, 1 pg**

[\[8\]](#)( **H - SB 184A, written testimony, Leon Fuhrman, 5 pp**

[\[9\]](#)(( **I - SB 184A, written testimony, Monica Smith, 3 pp**

[\[10\]](#) **J - SB 184A, written testimony, Jim Green, 1 pg**

<sup>11</sup>( **K - SB 184A, written testimony, Wilma Wells, 1 pg**

<sup>12</sup>(