

HOUSE COMMITTEE ON EDUCATION

April 9, 1997 Hearing Room E

08:15 A.M. Tapes 95 - 96

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:

SB 363 - Work Session

HB 2648 - Public Hearing

HB 2678 - Public Hearing

HB 3032 - Public Hearing

HB 2464 - 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 95, A		

004	Chair Luke	Calls meeting to order at 8:15 a.m. Opens work session on SB 363.
<u>SB 363 - WORK SESSION</u>		
014	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), testifies regarding SB 363 which allows a school district to contract for student driver training and discusses the -1 amendments (EXHIBIT A).
	Chair Luke	Questions the number of hours behind wheel vs. classroom hours and if it can be adjusted.
30	McMurdo	Responds that it is done by Administrative Rule. Suggests ODE review situation during the interim session. Presently a district could request a waiver from ODE, but may not be able to afford it.
046	Rep. Thompson	MOTION: Moves to ADOPT SB 363-1 amendments dated 4/1/97.
	Chair Luke	Hearing no objection, declares the motion CARRIED.
	Rep. Thompson	MOTION: Moves SB 363 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Luke	The motion CARRIES. REP. BEYER will lead discussion on the floor.
057	Chair Luke	Closes work session on SB 363. Opens public hearing n HB 2648.
<u>HB 2648 - PUBLIC HEARING</u>		
069	Chair Luke	Asks staff to explain bill.
	Bryan	

	Boehringer	Committee Administrator explains bill and cites statute (EXHIBIT B) .
087	David Myton	Executive Secretary, Teacher Standards and Practices Commission (TSPC), testifies in favor of HB 2648. Suggests amendments to bill (EXHIBIT C) . Asks committee to approve amendments to remove confusing language and make ORS 342.175 and ORS 342.143 consistent; delete ORS 163.455. Supports bill with suggested amendments.
166	Rep. Deckert	Asks how many offenses were documented by TSPC last year.
	Myton	Responds that Commission investigated 100 cases; approximately 1/2 were disciplined. Estimates 25 were sexually related against students. Comments many cases are resolved based on school's investigations and did not necessarily result in a criminal conviction.
184	Cindy Hunt	Legislative Counsel comments on proposed amendments from TSPC. Agrees the two statutes are not currently in conformance.
	Rep. Beyer	Asks what is the process for including certain crimes on the list.
	Hunt	Responds that the statute has to be amended.
	Rep. Jenson	Asks what kinds of crimes besides homicide are included.
	Myton	Responds besides crimes of a sexual nature, the Legislature included eight other major crimes in 1995, which include arson, child neglect, etc.
	Rep. Jenson	Asks why not include first class felonies, such as assault or robbery.
230	Myton	Responds he is unsure. The ODE was authorized to create its own list but authority was later rescinded at which time the eight serious felonies were added.

Chair Luke Suggests that crime has to be one that would have some association to children.

Comments that ORS 670.280 states one cannot be denied license because

Myton one was convicted of a crime with exception to those listed in ORS 342.175 and ORS 342.143.

Rep. Jenson Comments that he will probably draft further amendments.

Chair Luke Asks Legislative Counsel to draft amendments as presented from TSPC.

Chair Luke Closes public hearing on HB 2648. Opens public hearing on HB 2678.

**HB 2678 -
PUBLIC
HEARING**

320 Boehringer Explains bill which changes the name of "Special Education Account" to the "Children's Special Education Account."

Chair Luke Asks for testimony. Closes public hearing on HB 2678. Opens public hearing on 3032.

**HB 3032 -
PUBLIC
HEARING**

Chair Luke Comments on why bill was introduced. School boards receive funding and when decisions are made on how funds are to be spent, there is no representative from state government present. This bill enables a representative from the state, a trained negotiator, to represent the interests of the state.

TAPE 96, A

001 Rep. Sunseri Asks if there would be value having a member of the Legislature present at negotiations.

Chair Luke Comments that would be acceptable. Comments some small school districts do not have funds to hire an expert negotiator.

020 Jim Chambers Contract Negotiator, Oregon Education Association (OEA), testifies against HB 3032 (**EXHIBIT D**). Asks why would the governor be the sole determiner of what state's interest should be in negotiations. Comments that including a third party in the process would complicate the situation.

080 Rep. Sunseri Asks where was that information given.

Chambers Cites bill "representative of the Governor." Comments he interprets that to mean someone from the governor's staff.

Rep. Thompson Asks if ORS 243.696 authorizes a member from Administrative Services to be included in bargaining sessions.

Rep. Sunseri Comments that a representative from the governor's office would be present at the negotiating table and would not be sole determiner.

Chambers Explains that approximately 200 bargaining sessions are held between March-June. That number would represent a significant fiscal impact for a third party.

163 Chair Luke Comments that part of negotiations do not involve funding and would be a local issue. Explains there are not many businesses who would distribute \$4-5M without having an idea of how it is spent.

Chambers Comments that if this is one vehicle for state policy makers to ascertain information, that would be of value. Corrects information previously cited concerning teachers in Portland school district and the cost of living increases.

Chair Luke Responds that if the governor's representative is involved in collective bargaining then information in the future would not be misinterpreted.

Hunt Legislative Counsel responds to committee's question regarding statute ORS 243.396. Administrative Services shall represent state agencies in collective bargaining units. Will research and determine if a school district is defined as a state agency.

260 Fallie Calder Legislative Representative, Oregon School Boards Association, testifies regarding HB 3032. Expresses concerns about the bill (**EXHIBIT E**).

Chair Luke Closes public hearing on HB 3032. Opens work session on HB 2464.

**HB 2464 -
WORK
SESSION**

Chair Luke Asks staff to explain bill regarding random drug testing of teachers.

Boehringer Explains HB 2464 and -3 amendments (**EXHIBIT F**). Distributes Legislative Counsel opinion on the bill (**EXHIBIT G**).

354 Cindy Hunt Legislative Counsel explains -3 amendments further.

TAPE 95, B

001 Hunt Continues testimony.

014 Rep. Beyer MOTION: Moves to ADOPT HB 2464-3 amendments dated 04/04/97.

Rep. Deckert Asks if it is a mandate that teachers will not have to pay for test.

Hunt Responds that teachers will not have to pay for test.

029 Laurie Wimmer Legislative Representative, Oregon Education Association (OEA), testifies that OEA's attorney had not reviewed amendments which were received today. Comments her research indicates no other state in the U.S. has a law like this on the books.

052 Jim Green Legislative Representative, Oregon School Boards Association (OSBA), comments that membership in the state would be cautious about implementing this policy since it has not been tested in the court.

Chair Luke Responds that the proposed amendments state "may" on line 2, page 1. A school district is not required to conduct random drug testing.

Green Comments that school administrators are included as well as teachers.

Rep. Deckert Asks how much the Vernonia School District spent to litigate for random drug testing of student/athletes.

Green Responds cost was \$250,000 and the school district has now revoked this policy.

086 Rep. Deckert Asks OEA how many documented cases have there been.

100

Wimmer Responds that in the past six years, there were 14 drug related cases.

Chair Luke Asks for further questions from the committee.

Rep. Starr Comments if this statute were in place, a district would be more inclined to test teachers.

Green Comments that OSBA would probably issue a policy on how to implement this law and would advise to conduct testing only upon reasonable suspicion because of court case.

129

Rep. Jenson Asks if "random" means among all teachers and not just a suspect.

Hunt Responds that is correct. Cites -3 amendments that state "all teachers employed by the district," however does not specify criteria of when to conduct testing.

Rep. Jenson Questions further regarding potential litigation.

Hunt Comments many cases address someone who is suspicious.

Chair Luke Hearing no objection, declares the motion CARRIED.

Rep. Beyer Suggest maybe changing "all" on line 3, page 1.

Chair Luke Responds that could be addressed later in the Senate.

154

Rep. Beyer MOTION: Moves HB 2464 to the floor with a DO PASS AS AMENDED recommendation.

Rep. Jenson Speaks in opposition to the bill. Comments committee is creating a law to deal with a very small issue. If there is going to be a statute, would feel comfortable if it included all employees.

Rep. Deckert Expresses concerns about the tone of this bill.

Rep. Comments that it is just a coincidence that today's agenda had that tone.

257 Thompson Expresses concerns about this bill and its cost for the size of the potential problem.

Chair Luke Comments that issues that happen in our schools have to be addressed as there are addressed in private businesses. Teachers are individuals and should be subject to the same laws as everyone else. Bill is a permissive bill that allows school districts to implement bill or not.

Rep. Beyer Comments that whether there are 14 or 16 instances he feels one case is too many. He is in favor of the bill and comments that it is good legislation.

322 Rep. Thompson Expresses concerns with constitutionality issue and will vote no on this bill. Comments that doesn't mean he condones drugs in schools.

Boehringer Explains Rep. Watt, the sponsor of the bill, was involved in drafting -3 amendments and could not testify as he is in another work session.

Rep. Deckert Reiterates that he is concerned about tone of this particular bill.

VOTE: 4-3

369 **AYE: 4 - Beyer, Starr, Sunseri, Luke**

NAY: 3 - Deckert, Jenson, Thompson

The motion CARRIES.

Chair

REP. WATT will lead discussion on the floor.

Chair Luke Closes work session on HB 2464. Adjourns meeting at 9:35 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 363, proposed amendments, staff, 2 pp

B - HB 2648, written materials, staff, 2 pp

C - HB 2648, written testimony, David Myton, 3 pp

D - HB 3032, written testimony, Jim Chambers, 2 pp

E. - HB 3032, written testimony, Fallie Calder, 1 pg

F - HB 2464, proposed amendments, staff, 1 pg

G - HB 2464, written materials, staff, 11 pp