

HOUSE COMMITTEE ON EDUCATION

April 11, 1997 Hearing Room E

07:45 A.M. Tapes 97 - 98

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 3299 - Public Hearing

HB 2270 - Public Hearing

HB 2579 - Work Session

HB 2704 - Public Hearing

HB 2806 - Work Session

HB 3031 - 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
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TAPE 97, A		
004	Chair Luke	Calls meeting to order at 7:45 a.m. Opens public hearing on HB 3299.
HB 3299 - PUBLIC HEARING		
006	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains bill allows students in grades 9-12 to challenge courses based on life experience or training.
	Rodman H. Peil	Former educator, testifies in favor of HB 3299 (EXHIBIT A).
074	Rep. Thompson	Asks how a test would be designed for standards to be met.
	Peil	Responds a consistent statewide test, which should be more comprehensive than "seat work," needs to be designed.
103	Wilma Wells	Legislative Assistant, Confederation of School Administrators, gives testimony but has concerns regarding some aspects of the bill (EXHIBIT B). Relates disadvantages of accelerating students ahead of their peer group.
	Rep. Thompson	Asks if a test could be designed that relates to a letter grade when challenging courses.
	Wells	Responds test could be designed, but it would be expensive.
140	Chair Luke	Asks if summer school courses at a community college, or another high school, are transferrable to the high school a student normally attends.
	Wells	Continues testimony and relates personal experience as a former school principal. Comments on advanced courses for talented and gifted students.
185	Rep. Jenson	Inquires whether "life experience" would be a portfolio-type experience, or would it be based on exams, or both.
204	Wells	Comments that she doesn't think many high school students would

		challenge courses.
210	Peil	Comments student should be able to obtain credit for a course in which there is mastery; such as, math or a bi-lingual student challenging a language course.
227	Joanne Flint	Asst. Superintendent, Department of Education (ODE), testifies that ODE is supportive of the idea of advanced learning. Concern is that bill would require ODE to take the lead in establishing the procedures. Refers to the ODE's Administrative Rule which requires options for students to get credit for courses.
	Chair Luke	Asks if there are school districts that have refused to let a student challenge a course.
	Flint	Responds she is aware there have been instances where no credit was given and complaints were made to ODE. In response to Chair's additional question, comments there are school districts that have no tests for courses that might be challenged.
	Chair Luke	Asks if there is anything in the law that prevents a student from graduating earlier than age 18.
	Flint	Responds that it is commonly done.
307	Chair Luke	Asks if ODE's Administrative Rule could be amended to include the option to challenge a course. Asks Department of Education to work with sponsor of the bill.
	Flint	Responds that she will research and respond to the committee.
	Jim Green	Legislative Representative, Oregon School Boards Association (OSBA), agrees with previous testimony. Explains that in the 1980's, Salem-Keizer School District allowed students to take Chemeketa Community College classes. Comments that most school districts require advance notice before challenging a course. Recommends local school districts retain some options regarding the exams.
	Green	Responds to Chair's question regarding summer school courses when there are two high schools involved, some sort of exchange takes place so that student count for state funding is equitable.

	Chair Luke	Closes public hearing on HB 3299. Opens public hearing on HB 2270.
HB 2270 - PUBLIC HEARING		
	Chair Luke	Asks staff to explain bill.
	Boehringer	Explains bill which requires a sheriff's department to notify school districts when they are detaining persons under 18 years of age in their jail facility. The -1 amendments change the age to 21 years of age. (EXHIBIT C) .
	Rep. Barbara Ross	Represents district 35, testifies regarding HB 2270. Explains why she is sponsoring it. Department of Education requested age 18 to be increased to age 21 (EXHIBIT D) .
TAPE 98, A		
001	Rep. Ross	Continues testimony. Responds to Chair's questions that the Sheriff's Association has no objection to the bill.
045	Cindy Hunt	Legislative Counsel, responds to committee's question regarding students' privacy rights that she will research topic but believes bill does not.
063	Wilma Wells	Legislative Assistant, Confederation of School Administrators (COSA), testifies in favor of HB 2270 (EXHIBIT E) .
086	John Pendergrass	Administrator, Juvenile Corrections, Department of Education (ODE), testifies that ODE supports the bill and the -1 amendments. Current statute requires that juveniles be instructed while being held in detention; no violation of students' right to privacy.
	Chair Luke	Comments that Legislative Counsel might have to create another amendment to clarify that issue.
	Pendergrass	Responds to committee's question regarding detaining juveniles. The situation varies from county to county. Not practical to hold juveniles in some facilities. Comments that in Astoria, detainees are taken to Portland for holding.
		Comments that Juvenile Corrections is required now to inform school

	Chair Luke	district. This bill says if sheriff is holding them, sheriff must inform school district.
	Pendergrass	Comments that sheriff does not have options for sending the developmentally disabled to detention who are 18 years old and older.
	Chair Luke	Closes the public hearing on HB 2270. Opens work session on HB 2579.
	<u>HB 2579 - WORK SESSION</u>	
166	Chair Luke	Asks staff to explain the bill.
	Boehringer	Explains bill and the -6 amendments (EXHIBIT F). Comments the -6 amendments are similar to -5 amendments but would prohibit ODE from adopting a policy that would prevent a school district from prohibiting the use of an "R" or "NC 17" video or film.
	Jim Green	Legislative Representative, Oregon School Boards Association (OSBA), responds to committee's question regarding the -6 amendments and clarifies the use of the Motion Picture Association of America (MPAA) rating system.
	Boehringer	Responds ODE and Legislative Counsel drafted the language with ODE attorneys.
	Green	Comments that ODE is not required to use MPAA rating system. Line 2 specifies "or any other rating system adopted by the Department of Education." Responds ODE will draft an Administrative Rule. His association, OSBA, will be part of the workgroup.
	Rep. Jenson	Clarifies if policy is for films other than "G"- rated.
	Boehringer	Responds that is correct and refers to line 18, of the -6 amendments.
	Rep. Starr	MOTION: Moves to ADOPT HB 2579 -6 amendments dated 04/08/97.
	Chair Luke	Hearing no objection, declares the motion CARRIED.

256	Rep. Starr	MOTION: Moves HB 2579 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-2 AYE: 4 - Beyer, Starr, Thompson, Luke NAY: 2 - Deckert, Jenson EXCUSED: 1 - Sunseri
	Chair Luke	The motion CARRIES. REP. LEWIS will lead discussion on the floor.
	Chair Luke	Closes work session on HB 2579. Opens public hearing on HB 2704.

HB 2704 -
PUBLIC
HEARING

294	Rep. Liz Van Leeuwen	Represents district 37, testifies in favor of HB 2704. Explains her sponsorship of the bill.
337	Bob Joondeph	Executive Director, Oregon Advocacy Center, testifies against HB 2704 (EXHIBIT G) .
TAPE 97, B		
001	Joondeph	Continues testimony.
015	Rep. Beyer	Comments that he is confused by testimony and ask how could a disability cause criminal behavior.
	Joondeph	Explains disability issue and how criminal behavior might be linked to a disability.
	Joondeph	Responds to Chair's question that he could work with sponsor of bill to create an amendment that would exclude disability issue.
	Rep. Starr	Asks to be involved in workgroup since he has sponsored a similar bill.

061 Rep. Jenson Asks if disruptive behavior must be confined to school district.

Rep. Beyer Comments that he does not want to "water this down too much." Expresses opinion that it is "a big stretch" that a disability would cause a person to behave criminally.

Chair Luke Comments others will review bill to determine whether it's in compliance with educational laws.

Jim Green Legislative Representative, Oregon School Boards Association (OSBA), responds to Chair's question how to handle disruptive students who menace other students or other employees. Law changed last session. Assault results in expulsion.

149 Green Continues testimony.

168 Rep. Jenson Asks if this applies only to the area surrounding the school.

Chair Luke Responds to a committee member's question that after committee hears Rep. Starr's bill, Legislative counsel will be consulted.

220 Wilma Wells Legislative Assistant, Confederation of School Administrators (COSA), testifies and explains disability issue. Explains there are violent children but cannot be punished due to federal law. Testifies against HB 2704 **(EXHIBIT H)**. Comments she would like to be involved in working on any amendments or combining bills.

249 Rep. Thompson Comments on victim of child abuse who is receiving intervention in neighborhood school and is making progress. Would want to see this continue and not have child removed.

Rep. Sunseri Comments on section 1, subsection 5, which states school district "may" expel. Expresses concerns with bill. Subsection 5, (b), indicates that school district will not be responsible for educating the child. Comments that language is a direct violation of the Oregon Constitution.

309 Rep. Starr Responds to Chair's question regarding bill he is sponsoring. Provides sanctions regarding child who refuses to conform and asks parents to get involved if child requires a different educational setting.

338 Rep. Jenson Comments he is supportive of concept and ideas presented.

Chair Luke Recesses public hearing on HB 2704.

Rep. Deckert MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Sunseri to vote DO PASS AS AMENDED on HB 2579.

Chair Luke Hearing no objections, the motion CARRIES.

VOTE: 1-0

AYE: 1- Sunseri

Rep. Thompson Comments that he may change his vote on the floor since he has some misgivings on this bill.

Chair Luke Reopens public hearing on HB 2704.

Cindy Hunt Legislative Counsel responds to committee's question regarding constitutionality of HB 2704.

TAPE 98, B

002 Hunt Continues testimony.

Hunt Responds to committee's question that behavior that bill addresses is not necessarily confined to school grounds, or school activities.

026 Rep. Thompson Repeats story of abused child in his district and asks Legislative Counsel to consider that kind of situation when drafting amendments.

Chair Luke Closes public hearing on HB 2704. Opens work session on HB 2806.

**HB 2806 -
WORK
SESSION**

Chair Luke Asks staff to explain bill.

Boehringer Explains bill and the -1 amendments regarding adoption of textbooks **(EXHIBIT I)**.

056 Cindy Hunt Legislative Counsel explains current statute.

Chair Luke Comments that bill came as a result of a school teacher in Bend who wanted to purchase paperbacks. The "buy back" provision in the bill is

not mandatory.

Rep. Beyer **MOTION: Moves to ADOPT HB 2806 -1 amendments dated 04/09/97.**

Chair Luke **Hearing no objections, the motion CARRIES.**

Rep. Beyer Comments that he would like committee to work the other bills on this topic also.

080

Rep. Beyer **MOTION: Moves HB 2806 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0

Hearing no objection, declares the motion CARRIED.

Chair Luke

REP. LUKE will lead discussion on the floor.

Chair Luke Closes work session on HB 2806. Opens work session on HB 3031.

**HB 3031 -
WORK
SESSION**

Chair Luke Asks staff to explain the bill.

Boehringer Explains bill will extend the timeline for the Certificate of Advanced Mastery (CAM). Explains the -10 amendments (**EXHIBIT J**).

140

Judy Patterson Associate Superintendent, Department of Education (ODE), responds to Chair's question regarding FTEs required to implement Certificate of Mastery (CAM).

Rep. Jenson **MOTION: Moves to ADOPT HB 3031-10 amendments dated 04/02/97.**

Rep. Beyer Comments that he cannot support the -10 amendments; thinks it will be a burden on school districts.

167

Patterson Responds that these amendments do not ask school districts to develop programs for ODE which would cost additional funding.

Rep. Deckert Asks why teacher training costs are estimated at \$12,000 per teacher.

Responds this is a four-year process which would cover expenses for all

Patterson teachers in Oregon.

Rep. Deckert Comments on document that was supplied to committee previously.

Patterson Responds that some of the current budgeted professional development expenses for teacher could be re-directed to implementation of CAM.

Patterson Responds to Chair's question that standards were originally adopted in December of 1996.

Chair Luke Asks if no bill passes, when can CAM go into effect under current law.

Patterson Responds two years after the adoption of all the rules and the standards. ODE is at the mid-way point at this time. ODE hopes to finish process in 1999.

295 Rep. Deckert Asks what expenses are included in the teacher training.

Patterson Responds included in that cost for four days is: travel, meals, housing, teacher stipend and training fee. Average cost is \$350 per day.

Rep. Deckert Comments that if only \$10 per teacher was saved it would amount to a sizeable amount.

Patterson Responds that the -10 amendments requires same kind of report to account to the Legislature as to how monies are spent. Since ODE is not yet implementing CAM, it's difficult to respond to specific questions regarding anticipated costs.

Chair Luke Asks for further discussion. Comments there is an objection to the amendments and requests roll call vote be taken.

VOTE: 5-2

AYE: 5 - Deckert, Jenson, Starr, Thompson, Luke

NAY: 2 - Beyer, Sunseri

Chair Luke The motion CARRIES.

358

Rep. Jenson MOTION: Moves HB 3031 to the floor with a DO PASS AS AMENDED recommendation.

Rep. Beyer Comments he will vote for the bill but wants to discuss with local school district in the meantime and may vote no on the floor.

VOTE: 6-1

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

NAY: 1 - Sunseri

The motion CARRIES.

Chair Luke

REP. LUKE will lead discussion on the floor.

Chair Luke Comments that this bill deals with the CAM timelines and does not conflict with Rep. Sunseri's upcoming bills.

Rep. Sunseri Comments on the reason for his "no" vote.

Chair Luke Comments process has taken 13 years to date due to the failure of the Legislative Assembly to take action.

Rep. Jenson Comments and agrees Legislative Assembly needs to push this bill forward.

Chair Luke Closes work session on HB 3031. Adjourns meeting at 9:47 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3299, written testimony, Rodman H. Peil, 3 pp

B - HB 3299, written testimony, Wilma Wells, 2 pp

C - HB 2270, proposed amendments, staff, 1 pg

D - HB 2270, written testimony, Barbara Ross, 9 pp

E - HB 2270, written testimony, Wilma Wells, 1 pg

F - HB 2579, proposed amendments, staff, 2 pp

G - HB 2704, written testimony, Bob Joondeph, 4 pp

H - HB 2704, written testimony, Wilma Wells, 1 pg

I - HB 2806, proposed amendments, staff, 1 pg

J - HB 3031, proposed amendments, staff 2 pp