

**HOUSE COMMITTEE ON EDUCATION**

**April 30, 1997 Hearing Room E**

**08:15 A.M. Tapes 120 -121**

**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 2270 - Work Session**

**HB 2637 - Work Session**

**HB 3299 - Work Session**

**HB 3083 - Work Session**

**HB 3153 - Work Session**

**HB 3440 - Public Hearing and Work Session**

**HB 2701 - 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.**

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Tape/#	Speaker	Comments
<b>TAPE 120, A</b>		
004	Chair Luke	Calls meeting to order at 8:17 a.m.
	Chair Luke	Asks committee's intern, Zack Lassiter, to discuss future plans. Comments that this is his last day. Opens work session on HB 2270.
<b><u>HB 2270 - WORK SESSION</u></b>		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains bill and the -2 amendments. Bill originally stated sheriff was to notify school district when a person up to age 18 was detained in county jail. The -2 amendments change age to 19. <b>(EXHIBIT A)</b> . <a href="#">[1]</a> (
045	Rep. Starr	Comments that age 21 is still the age for special education students.
049	Rep. Starr	<b>MOTION: Moves to ADOPT HB 2270 -2 amendments dated 04/22/97.</b>
	Chair Luke	<b>Hearing no objection, declares the motion CARRIED.</b>
	Rep. Starr	<b>MOTION: Moves HB 2270 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-1</b> <b>AYE: 5 - Deckert, Starr, Sunseri, Thompson, Luke</b> <b>NAY: 1 - Jenson</b> <b>EXCUSED: 1 - Beyer</b>
	Chair Luke	<b>The motion CARRIES.</b> <b>REP. ROSS will lead discussion on the floor.</b>
	Chair Luke	Closes work session on HB 2270. Opens work session on HB 2637.
<b><u>HB 2637 - WORK</u></b>		

<u>SESSION</u>		
	Chair Luke	Asks staff to explain amendments.
065	Bryan Boehringer	Committee Administrator, explains -4 amendments. Reviews the -4 amendments <b>(EXHIBIT B)</b> <sup>[2]</sup> ( and the updated impact statements <b>(EXHIBIT C)</b> . <sup>3</sup> (
	Chair Luke	Comments that bill has a referral to Revenue. Explains options of bill.
084	Rep. Jenson	<b>MOTION: Moves to ADOPT HB 2637-4 amendments dated 04/15/97.</b>
	Chair Luke	<b>Hearing no objection, declares the motion CARRIED.</b>
	Rep. Jenson	<b>MOTION: Moves HB 2637 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Deckert, Jenson, Starr, Sunseri, Thompson, Luke</b> <b>EXCUSED: 1 - Beyer</b>
	Chair Luke	<b>The motion CARRIES.</b>
	Chair Luke	Closes work session on HB 2637. Opens work session on HB 3299.
<b><u>HB 3299 - WORK SESSION</u></b>		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains bill and the -1 amendments <b>(EXHIBIT D)</b> . <sup>4</sup> (
110	Joanne Flint	Asst. Superintendent, Department of Education, explains that Rodman Peil, the Department of Education and the Oregon School Boards Association drafted the amendments.

122	Rodman Peil	Retired educator, testifies regarding HB 3299. Amendments clarify rules regarding students challenging courses for credit.
	Rep. Sunseri	Asks if this would affect home school education.
	Flint	Responds there would be no impact on home school education; applicable only to those students currently enrolled in the public school system.
	Chair Luke	Asks if home schooled student could qualify for course challenges if student re-enters public school system.
	Flint	Responds that the local school board would adopt policies and procedures and identify qualifications for challenges.
	Rep. Jenson	Asks question regarding pass/fail. Asks if grade is commensurate on whatever the challenge is based on.
150	Flint	Responds that is correct and would be specified in board policies and procedures.
	Rep. Jenson	Asks if there is anything in Administrative Rules which contradicts this provision.
	Flint	Responds that the current Administrative Rule needs amending.
167	Rep. Jenson	<b>MOTION: Moves to ADOPT HB 3299-1 amendments dated 04/28/97.</b>
	Chair Luke	<b>Hearing no objection, declares the motion CARRIED.</b>
	Rep. Jenson	<b>MOTION: Moves HB 3299 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Deckert, Jenson, Starr, Sunseri, Thompson, Luke</b> <b>EXCUSED: 1 - Beyer</b>
		<b>The motion CARRIES.</b>

	Chair Luke	<b>REP. SOWA will lead discussion on the floor.</b>
	Chair Luke	Closes work session on HB 3299. Opens work session on HB 3083.
<b><u>HB 3083 - WORK SESSION</u></b>		
	Chair Luke	Asks staff to explain amendments.
180	Bryan Boehringer	Committee Administrator, explains -1 amendments ( <b>EXHIBIT E</b> ). <sup>5</sup> (
	Rep. Starr	Responds to Chair's questions that this is his bill and he is satisfied with the amendments.
	Gary Conkling	Representative, Beaverton School District, testifies that amendments meet with his approval.
202	Rep. Deckert	Asks what happens to student if parents cannot pay for counseling.
	Conkling	Responds and refers to existing law. Student would not be disadvantaged if parents could not afford counseling or partial tuition. Situation would be similar to inability to pay for textbooks, etc.
	Rep. Thompson	Asks who would make this judgment.
222	Conkling	Responds that school board can adopt a policy that if student is expelled twice or more during year, parents can be required to attend counseling.
231	Rep. Jenson	Asks for clarification of how school board adopts a policy.
	Conkling	Refers to -1 amendments that change line 5 in original bill to "It is recommended."
240	Rep. Starr	<b>MOTION: Moves to ADOPT HB 3083-1 amendments dated 04/16/97.</b>
	Chair Luke	<b>Hearing no objection, declares the motion CARRIED.</b>

	Rep. Starr	<b>MOTION: Moves HB 3083 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Deckert, Jenson, Starr, Sunseri, Thompson, Luke</b> <b>EXCUSED: 1 - Beyer</b>
	Chair Luke	<b>The motion CARRIES.</b> <b>REP. STARR will lead discussion on the floor.</b>
	Chair Luke	Closes work session on HB 3083. Opens work session on HB 3153.
<b><u>HB 3153 - WORK SESSION</u></b>		
	Chair Luke	Asks staff to explain bill.
260	Bryan Boehringer	Committee Administrator, explains -1 amendments ( <b>EXHIBIT F</b> ). <sup>6</sup> (
	Greg McMurdo	Deputy Superintendent, Department of Education, agrees with the -1 amendments. Language in this bill is already in federal law.
	Chair Luke	Asks what happens if the federal law is changed.
	McMurdo	Responds that states are required to follow federal law. During next legislative session, state would have to be in compliance.
	Rep. Jenson	Asks what is gained by passing this law.
	Rep. Sunseri	Asks if there are fiscal impact statements; would prefer to wait until statements are received before voting.
	Boehringer	Comments that fiscal impacts have been ordered but not received yet.
	Chair Luke	Closes work session on HB 3153. Opens public hearing on HB 3440.
<b><u>HB 3440 -</u></b>		

<b><u>PUBLIC HEARING</u></b>		
	Chair Luke	Asks staff to explain bill and amendments.
	Bryan Boehringer	Committee Administrator, explains -2 amendments <b>(EXHIBIT G)</b> . <sup>7</sup> (
	Vickie Totten	Executive Director, Oregon Community Colleges Association (OCCA), clarifies that the summary of the bill is incorrect. Bill allows campus public safety officers to be trained at Board on Public Safety Standards and Training (BPSST). Bill provides for a pilot program for Portland Community College and Chemeketa Community College.
	Rep. Sunseri	Asks for definition of a "warrantless" arrest.
357	Greg Marks	Public Safety Officer, Portland Community College, testifies regarding warrantless arrest. Explains recent incident regarding armed robbery and assault with a knife. Comments that a college campus is like a small city with comparable criminal activity.
	Jerry Bessello	Facilities Director, Chemeketa Community College, testifies current legislation does not allow arrest for probable cause.
389	Rep. Deckert	Asks how campus security officers are certified compared to a city policy officer.
	Totten	Responds that at the present time campus security officers are privately trained on campus. Proper training is available through BPSST at the Police Academy.
405	Rep. Jenson	Clarifies questions regarding carrying of firearms.
<b>TAPE 121, A</b>		
002	Totten	Responds that page 1, line 11 remains in bill; no authorization to carry firearms.
	Rep. Sunseri	Asks if the -2 amendments are adopted will there be a transition period.

	Totten	Responds only 18 officers from Portland Community College are allowed to obtain training and 7 from Chemeketa Community College. They will be the only ones allowed to make arrests.
	Rep. Jenson	Asks if there are plans for other community colleges.
	Totten	Responds that other community colleges are waiting to determine effectiveness of program. In the 1999 legislative session, OCCA will probably ask to "continue, abolish, or expand" the program.
051	Rep. Bryan Johnston	Represents district 31, testifies in favor of HB 3440.
068	Lucia Barnett	Private citizen, testifies in favor of HB 3440. Serves as campus police officer at Portland Community College.
	Chair Luke	Asks for her experience on campus.
	Barnett	Explains incident on campus regarding a fight in which she was assaulted by Jefferson High School students. Had she been a law enforcement officer, students would have been charged with a felony.
	Chair Luke	Closes public hearing on HB 3440. Opens work session on HB 3440.
<b><u>HB 3440 - WORK SESSION</u></b>		
	Rep. Thompson	<b>MOTION: Moves to ADOPT HB 3440-2 amendments dated 04/17/97.</b>
	Chair Luke	<b>Hearing no objection, declares the motion CARRIED.</b>
	Rep. Thompson	<b>MOTION: Moves HB 3440 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Deckert, Jenson, Starr, Sunseri, Thompson, Luke</b> <b>EXCUSED: 1 - Beyer</b>
		<b>The motion CARRIES.</b>



	Chair Luke	REP. JOHNSTON will lead discussion on the floor.
	Chair Luke	Closes work session on HB 3440. Opens work session on HB 2701.
<b>HB 2701 - WORK SESSION</b>		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains the -1 amendments and the -2 amendments <b>(EXHIBIT H)</b> . <sup>8</sup> (
126	Gail Coulter	Representative, Community Action Forum, testifies in favor of HB 2701 <b>(EXHIBIT I)</b> . <a href="#">[9]</a> (
	Rep. Deckert	Asks if it is against the law now to teach phonics.
	Coulter	Responds that it is not, but teachers are discouraged from teaching phonics.
226	Rep. Deckert	Asks if a majority of a local school board agreed to allow phonics to be taught, would it be permissive.
	Coulter	Explains it would be permissive but there is a necessity for teachers to be trained on how to teach phonics.
236	Marsha Ackerlund	Parent, testifies in favor of HB 2701. Comments research shows teaching early phonics is the most effective way to teach reading.
317	Patricia Smith	Parent, testifies in favor of HB 2701. Suggests two additional amendments. Supports the -2 amendments. Refers to "America's Literacy" <b>(EXHIBIT J)</b> . <sup>10</sup> (
<b>TAPE 120, B</b>		
002	Smith	Continues testimony. Suggests an amendment which requires the Department of Education to approve a textbook with a phonics-approved program.
		Comments that in section 3, the -2 amendments set standards. Asks what

040	Chair Luke	happens if a student doesn't meet standards.
	Coulter	Responds that these are benchmarks to know when students are not achieving; teacher can then work intensively with the student.
	Rep. Deckert	Asks at what point should the state come in and mandate what is to be taught. Comments that in his district some prefer whole language. He prefers to leave it to local control; uncomfortable with mandates.
	Smith	Responds that it be required that local school report results to school board after testing. School board can determine whether teaching and the materials are effective.
	Ackerlund	Responds to committee's question that phonics is a political issue; not based on research. "Get phonics off the blacklist."
093	Rep. Deckert	Asks how should one respond to others who wish phonics to be legislated one way or the other.
	Ackerlund	Explains that bill is inclusionary, not exclusionary. Teaching phonics is "worth a try."
	Rep. Sunseri	Explains the need to look at success of phonics. At the present time, if teachers want to teach phonics, they have to go out and purchase materials on their own.
138	Coulter	Comments standards are needed to demonstrate what method is successful.
144	Rep. Starr	Asks if the education community has done the right thing for students without state's direction.
	Coulter	Responds that teachers are not being trained.
	Rep. Starr	Comments that the state has mandated education reform for Oregon. That essentially changed the design of the curriculum and students are being hindered because they cannot read.
	Coulter	Comments she was trained as a teacher in California and was enthusiastically in favor of whole language instruction. As a teacher she was not taught how to teach phonics.

278	Rep. Starr	Comments that legislators must adequately fund education. Asks what amount of funds would be saved if children were taught to read in grade one.
	Coulter	Responds thousands of dollars would be saved for every child that learns to read successfully.
	Rep. Deckert	Comments on line 19, page 1 of the -2 amendments. Asks what happens if a child cannot read at 98% accuracy.
	Coulter	Responds it is just a standard and child will not be kept back a grade.
198	Chair Luke	Comments that ORS 329.045 specifies that child "will" not "shall" be able to read aloud with 98% accuracy. If approved, this requires school district to work out a program for improvement.
219	Joanne Flint	Asst. Superintendent, Department of Education, testifies regarding HB 2701. Supports systematic use of phonics instruction. Has concerns and would like to review the impact statements for the -2 amendments.
	Chair Luke	Asks if Department of Education had objections to original bill.
	Flint	Comments Department of Education had no objections to original bill but expresses concerns with the -2 amendments, Section 2, which specify the exact number of elementary sounds of speech.
290	Rep. Starr	Asks if there are programs that teach less than 42 sounds.
	Flint	Responds that The Riggs Institute program does not indicate a specific number of sounds.
	Rep. Starr	Explains that there are not any such programs.
	Rep. Sunseri	Comments there are 42 sounds that have to be mastered and refers to facsimile communication from The Riggs Institute ( <b>EXHIBIT K</b> ). <sup>11</sup> (
	Flint	Comments on reference to "research-based instruction materials." The Riggs Institute has anecdotal information. Asks if the committee is going to consider anecdotal information. Explains equity issues need to be

		reviewed; for example, limited English-speaking students may not initially be placed in a phonics program.
	Chair Luke	Asks for comments on the standards mentioned in section 3.
	Flint	Discusses section 3 which defines performance standards. Defining performance standards in statute moves beyond defining content.
	Chair Luke	Asks how are testing standards established. In a previous bill passed on the Certificate of Initial Mastery (CIM) standards, reading standards were included. Asks if there are testing standards for it.
	Flint	Responds standards are established through a formal and technical process.
	Chair Luke	Asks if witnesses would meet with the Department of Education. Expresses opinion that agreement on amendments to the bill is close. Asks Rep. Starr for input.
395	Rep. Starr	Responds that he "senses reluctance from Department of Education" to set standards that are a requirement. Legislative Assembly has been trying to do this for three sessions.
<b>TAPE 121, B</b>		
001	Rep. Starr	Comments that he agrees there needs to be bi-partisan support on this bill and will try to do "what is right for children."
	Chair Luke	Asks if he would be willing to facilitate meeting with witnesses and Department of Education and bring bill back on Monday.
	Rep. Starr	Responds that he will.
	Rep. Jenson	Comments he will attend meeting.
	Rep. Sunseri	Comments he will attend meeting.
021	Rep. Thompson	Expresses concerns that committee is mandating curriculum for teachers.

	Chair Luke	Comments committee has mandated before and refers to HB 2991 (1995) and the Certificate of Advanced Mastery (CAM) timelines.
	Rep. Thompson	Responds that this is an unusual situation and refers to lines 17-24 in the -2 amendments.
034	Chair Luke	Explains committee will have a public hearing and work session on Monday, and limit testimony to amendments. Closes public hearing on HB 2701. Adjourns meeting at 9:55 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

**EXHIBIT SUMMARY**

[\[1\]](#)( A - HB 2270, proposed amendments, staff, 1 pg

[\[2\]](#)( B - HB 2637, proposed amendments, staff, 7 pp

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

<sup>4</sup>( D - HB 3299, proposed amendments, staff, 1 pg

<sup>5</sup>( E - HB 3083, proposed amendments, staff, 1 pg

<sup>6</sup>( F - HB 3153, proposed amendments, staff, 2 pp

<sup>7</sup>( G - HB 3440, proposed amendments, staff 4 pp

<sup>8</sup>( H - HB 2701, proposed amendments, staff, 3 pp

[\[9\]](#)( I - HB 2701, written materials, Gail Coulter, 6 pp

<sup>10</sup>( J - HB 2701, written materials, Patricia Smith, 38 pp

<sup>11</sup>( K - HB 2701, written materials, Myrna McCulloch, 2 pp