

**HOUSE COMMITTEE ON EDUCATION**

**May 2, 1997 Hearing Room E**

**08:15 A.M. Tapes 122 -123**

**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:**

**SB 628A - Public Hearing**

**HB 2806A - Work Session**

**HB 2658 - Work Session**

**HB 2464A - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 122, A</b>		
004	Chair Luke	Calls meeting to order at 8:20 a.m. Opens public hearing on SB

		628A.
<b>SB 628A - PUBLIC HEARING</b>		
006	Sen. Tom Hartung	<p>Represents Senate district 3, testifies in favor of SB 628A <b>(EXHIBIT A)</b>.<sup>1</sup>(</p> <ul style="list-style-type: none"> <li>* Explains Oregon needs a charter school bill in the state which will provide an opportunity for innovation in education.</li> <li>* Comments that 25 states currently have charter school laws.</li> <li>* Minnesota enacted the first charter school law in 1951.</li> <li>* Only one group favors this bill, the parents.</li> <li>* Department of Education, Oregon Education Association, American Federation of Teachers, etc., all oppose this bill.</li> <li>* California and Arizona have no oversight from educational system; operate schools as 501(c)(3), or non-profit organizations.</li> <li>* Bill is effective upon passage; earliest charter school could be ready for the 1997-98 school year.</li> <li>* Alternative schools in Oregon could convert to charter schools which would benefit them financially.</li> </ul>

- 90 Rep. Thompson Asks if this bill could withstand court challenges.
- Sen. Hartung Responds based on other states' experience, it is defensible.
- Rep. Thompson Asks what was the positive and negative input from parents who testified in Senate hearings.
- 105 Sen. Hartung Responds the first testifiers were looking for innovation in education. Comments on the Beaverton/Edison project. However, Beaverton School District decided not to contract with Edison at this time. Teachers union not in favor of it.
- 130 Rep. Thompson Comments that he has always opposed charter schools but will be looking forward to reviewing Senate Education Committee's work.

- 136 Rep. Jenson Comments the real strength of charter schools is getting more parental involvement. Asks how can consolidating schools be justified when it alienates parents from schools.
- 152 Sen. Hartung Comments he has always supported the public school system. All schools need greater parental interaction and sees charter schools as a way to get more parental involvement.
- Chair Luke Thanks Sen. Hartung for input. Committee will have Legislative Counsel review the bill to answer the technical questions. Further public hearings will be scheduled. Asks those present to send concerns to committee as soon as possible.
- 216 Cindy Hunt Legislative Counsel, explains provisions in the bill **(EXHIBIT B)**.<sup>2</sup>(
- 265 Chair Luke Asks if private schools can convert to charter schools.
- Hunt Responds that Senate committee did review the issue; non religious private schools can convert. Explains bill has restrictions on violating the establishment clause and the Oregon Constitution regarding the use of state dollars for the support of religion.
- Rep. Thompson Asks if there are statutes which legally define religion.
- Hunt Responds there is no definition of religion in the law.
- 326 Rep. Jenson Asks if a charter is available to a parochial school which operates a private, non profit school now, but later changes focus and direction and deletes religion from curriculum.
- Hunt Explains that only a totally new school or an existing private school can be a charter school.
- Rep. Jenson Asks if there is any provision for accreditation.
- Hunt Responds there is no provision for accreditation. Continues testimony.
- TAPE 123, A**
- 002 Hunt Continues testimony.
- Chair Luke Asks how much a school district would forward to a charter school.

027 Hunt Explains general purpose grant and the student count, or Average Daily Membership Weighted (ADMw).

055 Rep. Thompson Asks if Senate Committee discussed other funding levels.

Hunt Responds that different percentages were considered and on what the percentages were based. For special education students, the funding operates differently because of federal laws. Charter schools cannot discriminate against special education students.

111 Hunt Continues testimony. Comments that this bill applies to public charter schools, not private charter schools.

Rep. Deckert Asks how is a none-regular school program defined.

Hunt Refers to page 12, line 19 of bill draft for definition **(EXHIBIT C)**. [\[3\]](#)(

208 Hunt Continues testimony.

292 Hunt Continues testimony.

321 Rep. Sunseri Asks for criteria for renewal of a charter school's contract.

Hunt Refers to Section 6 of the bill which indicates renewal is upon authorization of the sponsor.

Rep. Sunseri Asks if school can appeal to a different sponsor if renewal is refused.

Hunt Responds school can go through chartering process again with a different sponsor.

357 Rep. Starr Comments on Section 6 of the bill which explains amending charter by joint agreement.

**TAPE 122, B**

002 Hunt Continues testimony. Charter school must maintain an enrollment of at least 25 students. If enrollment drops below that, contract can be terminated (refers to bill page 6, line 17).

- 014 Rep. Starr Comments on a small contract school operating with public funds that has 8 students with disabilities. Asks if this school could operate as a charter.
- Hunt Responds they could not due to the enrollment requirement of 25 students.
- Chair Luke Comments that school could operate under SB 184.
- 031 Hunt Comments this bill does not take the place of contract school programs or alternative school programs. It is "in addition to."
- 056 Hunt Comments that the sponsor makes determination if school fails to maintain financial stability. Decision of the sponsor is appealable to Department of Education.
- 088 Hunt Comments on what laws apply to public charter schools. Refers to Section 9 in the bill.
- Rep. Sunseri Asks if charter schools can request not to utilize a Certificate of Initial Mastery (CIM) or a Certificate of Advanced Mastery (CAM).
- 101 Chair Luke Responds the testing at grades 3, 5, 8 and 10 is to test areas of basic education: history, math, etc. The CIM/CAM are two different things.
- Hunt Comments that the charter applicant can specify only the rules they want applied to them.
- Chair Luke Recesses public hearing on SB 628A. Opens work session on HB 2806A.

**HB 2806A -  
WORK  
SESSION**

- 125 Bryan Boehringer Committee Administrator, explains bill which was re-referred back to committee from the Speaker and the -2 amendments **(EXHIBIT D)**.<sup>4</sup>(
- Cindy Hunt Legislative Counsel, explains that -2 amendments add to the bill; does not replace any of the original language in the bill.
- 153 Jim Green Legislative Representative, Oregon School Boards Association, responds to Chair's questions regarding other programs for low-income students.

172

Rep. Thompson Asks if there are families not technically qualified as low income but still cannot afford textbooks.

Green Responds that school districts will supply books under most circumstances.

Rep. Thompson Asks if there is any chance a "financially-strapped" school board might take advantage of this bill by adding certain textbooks on their supplemental lists.

Green Responds that textbooks on approved lists from Department of Education are already free of charge. This bill addresses other books to be added to the list.

Rep. Deckert Asks what is criteria for national school lunch program.

Hunt Responds there is a family income standard in place; also a hardship provision in the bill which family can request assistance through the school board.

Rep. Deckert Asks for dollar amount of family income standard.

Chair Luke Comments that approximately 1/3 of students qualify for the supplemental breakfast and lunch program.

Green Refers to line 10-11, -2 amendments, ORS 339.147 for standard.

233

Wilma Wells Legislative Assistant, Confederation of School Administrators, responds to committee's question regarding school districts supplementing costs. Comments it would be difficult for school districts to unethically augment their supplemental textbooks lists.

303

Rep. Beyer **MOTION: Moves to ADOPT HB 2806A -2 amendments dated 04/28/97.**

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

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

**VOTE: 6-1**

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

**NAY: 1 - Thompson**

**Chair Luke** The motion **CARRIES**.

**REP. LUKE will lead discussion on the floor.**

Chair Luke Closes work session on HB 2806A. Opens work session on HB 2658.

**HB 2658 -  
WORK  
SESSION**

Chair Luke Comments bill has a referral to Ways & Means.

347 Bryan  
Boehringer Committee Administrator, explains bill.

350 **Rep.  
Sunseri** **MOTION: Moves HB 2658 to the floor WITHOUT  
RECOMMENDATION as to passage and BE REFERRED to the  
Committee on Ways & Means by prior reference.  
VOTE: 6-1**

**AYE: 6 - Beyer, Deckert, Starr, Sunseri, Thompson, Luke**

**NAY: 1 - Jenson**

**Chair Luke** The motion **CARRIES**.

Chair Luke Closes work session on HB 2658. Opens work session on HB 2464A.

**HB 2464A -  
WORK  
SESSION**

370 Bryan  
Boehringer Committee Administrator, explains HB 2464A regarding random drug  
testing and the -4 amendments (**EXHIBIT E**).<sup>5</sup>(

Cindy Hunt Legislative Counsel, explains amendments and introduces other legislative  
staff.

398 Eric Ruona Legislative Counsel, testifies regarding recent court case.

**TAPE 123, B**

001 Ruona Continues testimony.

	Rep. Deckert	Asks for definition of reasonable suspicion.
	Ruona	Responds that it is "somewhat nebulous; officer has " to point to specific, articulatable facts."
030	Rep. Deckert	Asks if a teacher can sue to challenge reasonable suspicion assumption and who would pay for the lawsuit.
055	Hunt	Explains recent court rulings ( <b>EXHIBIT F</b> ). <a href="#">[6]</a> (
	Rep. Starr	Comments on dismissing teachers. The union, rather than school district, would probably present a defense on behalf of teachers.
	Hunt	Responds that is likely. Refers to HB 650 which would alter some of the procedures for dismissing teachers.
076	Rep. Jenson	Comments that unions under federal law are required to defend their membership.
082	<b>Rep. Beyer</b>	<b>MOTION: Moves to ADOPT HB 2464A -4 amendments dated 04/28/97.</b>
	Rep. Deckert	Asks for Oregon School Boards Association's opinion on the -4 amendments.
	Laurie Wimmer	Government Relations Consultant, Oregon Education Association, testifies regarding amendments. Lowering threshold to "reasonable suspicion" is unwarranted in that there is not a compelling need to do so, as she previously testified.
	Jim Green	Legislative Representative, Oregon School Boards Association, testifies regarding -4 amendments. Amendments would probably withstand a court case.
047	Wimmer	Comments that bargaining contracts already have "cause" language. Bill is redundant.
	Rep. Jenson	Asks if there is federal litigation on the State of Iowa's model.
	Green	Responds he is not aware. Iowa's policy was implemented in 1996.



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

170

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

**Rep. Jenson** Comments that he is going to vote no as with original bill.

**Rep. Thompson** Comments that he is going to vote no. Comments education dollars are limited and does not think they should be spent on mandatory drug tests for an "almost non-existent problem."

**Rep. Deckert** Comments he is going to vote no due to potential cost of any litigation that might result.

**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.**

**Chair Luke** Closes work session on HB 2464A. Reconvenes public hearing on SB 628A. Closes public hearing on SB 628A.

**Rep. Sunseri** **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. THOMPSON to CHANGE vote from NAY to AYE on HB 2806A.**

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

**Rep. Thompson** Responds to Chair's call to vote **HB 2806A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 1-0**

**AYE: 1- Thompson**

**Chair Luke** Adjourns meeting at 10:00 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

**EXHIBIT SUMMARY**

<sup>1</sup>( A - SB 628A, written testimony, Tom Hartung, 1 p

<sup>2</sup>( B - SB 628A, written materials, Cindy Hunt, 5 pp

[\[3\]](#)( C - SB 628A, written materials, staff, 19 pp

<sup>4</sup>( D - HB 2806A, proposed amendments, staff, 2 pp

<sup>5</sup>( E - HB 2464A, proposed amendments, staff, 1 pg

[\[6\]](#)( F - HB 2464A, written materials, staff, 4 pp