

**HOUSE COMMITTEE ON EDUCATION**

**May 7, 1997 Hearing Room E**

**08:15 A. M. Tapes 127 - 128**

**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 628A - Public Hearing**

**HB 2648 - Work Session**

**SB 506 - Public Hearing and Work Session**

**SB 294A - Public Hearing and 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 127, 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>		
020	Cindy Hunt	Legislative Counsel, testifies regarding SB 628A ( <b>EXHIBIT A</b> ). <sup>1</sup> ( Clarifies sections of the bill and policy issues with respect to charter schools.
	Chair Luke	Asks if charter schools must accept special education students.
105	Hunt	Responds the discrimination statute cannot be waived. Charter schools must have provisions for special education students. Continues testimony.
	Rep. Sunseri	Asks if charter school enrollment could ever exceed 20% of the total student population in the district.
	Hunt	Responds not the way the bill is written; however, Department of Education could waive this limitation, or another bill could be drafted.
149	Bryan Boehringer	Committee Administrator, asks how would enrollments be processed which involve the conversion of a private school.
152	Hunt	Responds that students at the private school would have a priority on enrollment. Continues testimony.
334	Hunt	Continues testimony. Comments charter schools do not receive local school funding.
370	Greg McMurdo	Deputy Superintendent, Department of Education, clarifies funding questions.
	Rep. Beyer	Asks regarding the weighted formula for remote small schools, and would that formula apply to a charter school.
	Hunt	Responds that a public charter school, by definition, is not a remote small school.

	Chair Luke	Asks staff to contact Steve Meyer, Legislative Revenue, before next committee meeting, to provide information regarding exact funding for charter school students.
<b>TAPE 128, A</b>		
001	Hunt	Continues testimony.
064	Hunt	Continues testimony. Comments that a school district allows additional funding or weighting for special education students; counts students twice up to 11% of the total student population.
	McMurdo	Responds to Chair's question regarding the special education students who attend a charter school and the 11% cap.
	Chair Luke	Asks if school district can contract with a charter school to educate special education students above the 11% cap.
	McMurdo	Responds that situation may be a violation of federal law.
114	Hunt	Continues clarifying special needs students' attendance at charter schools.
153	Rep. Sunseri	Asks how would complaint be handled regarding teaching subject of "creation" in a charter school. Asks if it would be any different from the public school system.
	Hunt	Responds that provisions for charter schools are the same for a public school.

174 Rep. Sunseri Comments a public school does not have to worry about having a charter revoked.

Hunt Explains that a public school could have their state funds withheld which would be just as serious. Continues testimony.

203 Chair Luke Comments committee will be holding additional hearings to receive public testimony starting May 12. Public must submit written testimony. Closes public hearing on SB 628A. Opens work session on HB 2648.

**HB 2648 -  
WORK  
SESSION**

239 Vickie Totten Executive Director, Oregon Community Colleges Association (OCCA), testifies regarding the -6 amendments (**EXHIBIT B**) .<sup>[2]</sup>( Explains intent of the original bill in response to Chair's request.

Bryan Boehringer Committee Administrator, explains the -4, and -5 amendments. (**EXHIBIT C**).<sup>3</sup>( Comments committee previously adopted the -2 amendments. The -1 amendments and the - 3 amendments are not being considered.

Totten Comments either the -4 or the -5 amendments are acceptable to OCCA.

319 Cindy Hunt Legislative Counsel, testifies that the -4 and -5 amendments replace the bill.

Totten Responds to Chair's question that most community colleges have some version of a "2 + 2" program currently.

362 Rep. Beyer Asks if the bill would affect community colleges' "2 + 2" programs.

Totten Responds that there would be no required changes for the community colleges who currently have "2 + 2" programs.

Hunt Continues testimony regarding taxing authority of the community college district.

#### **TAPE 127, B**

001 Hunt Continues testimony.

015 Totten Clarifies reciprocity agreement which sets up an exchange for equal numbers of students across state borders. Bill and the amendments are a way to find funding for the reciprocity agreement.

030 Rep. Deckert Asks if there is a revenue impact.

Totten Responds the impact will not be felt this year, but \$2.5-\$3M is anticipated for next biennium (1999). Ways & Means is reviewing the budget issue at the present time.

Rep. Jenson Comments that the funding issue gives him concerns.

049 Totten Clarifies that community colleges will have a deficit if they cannot plan on this funding.

059 Hunt Continues testifying regarding amendments.

074 Rep. Sunseri Asks what is the purpose of section 2 in this amendment.

Hunt Responds it was included at the direction of the Chair; bill has a broad relating clause.

Hunt Responds to committee's question that if committee adopts more than one amendment, the amendments will be merged.

105 **Rep. Starr MOTION: Moves to ADOPT HB 2648 -6 amendments dated 05/07/97.**  
**Chair Luke Hearing no objections the motion CARRIES.**

Chair Luke Clarifies difference between the -4 and the -5 amendments.

115 Rep. Beyer Asks whether additional clauses can be included in the amendments, since the relating clause is so broad.

Hunt Clarifies there are only two bills dealing with school mergers and one is on the Governor's desk.

Chair Luke Suggests that a priority bill be used and asks Legislative Counsel to assist in the drafting of it.

134 Rep. Beyer Discusses school mergers. Merged school districts can't increase their board membership. Needs amendment to increase numbers.

**Rep. Starr MOTION: Moves to ADOPT HB 2648 -4 amendments dated 05/06/97.**  
**Chair Luke Hearing no objections the motion CARRIES.**

**Rep. Starr MOTION: Moves HB 2648 to the floor with a DO PASS AS AMENDED recommendation.**

156 Rep. Jenson Comments that he has concerns but will vote for bill at this time. However, will want further discussion on the House floor.

Rep. Thompson Comments he has concerns but will review the tapes of this meeting and make concerns known.

Rep. Sunseri Comments will vote for the bill but would prefer the "2 + 2" program not be in this bill.

**VOTE: 7-0**

180

**AYE: 7 - Beyer, Deckert, Jenson, Starr, Sunseri, Thompson, Luke**

**Chair Luke The motion CARRIES.**

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

Chair Luke Closes work session on HB 2648. Opens public hearing on SB 506.

**SB 506 -  
PUBLIC  
HEARING**

185

Grattan Kerans Legislative Representative, Oregon State System of Higher Education OSSHE, testifies regarding SB 506 (**EXHIBIT D**). [4](#)(

Chair Luke Asks for clarification of costs for continuing education students, degree candidate students, etc.

Kerans Explains bill is a "housekeeping" bill. Explains pricing dilemma regarding distance learning students via the internet.

Rep. Beyer Asks why there would be no fiscal impact.

257

Kerans Responds OSSHE is not seeking not seeking additional funds with this bill but increases will happen slowly.

Chair Luke Closes public hearing on SB 506. Opens work session on SB 506.

**SB 506 -  
WORK  
SESSION**

**Rep. Thompson MOTION: Moves SB 506 to the floor with a DO PASS recommendation.**

**VOTE: 7-0**

**AYE: 7 - Beyer, Deckert, Jenson, Starr, Sunseri, Thompson, Luke**

**The motion CARRIES.**

**Chair Luke REP. THOMPSON will lead discussion on the floor.**

Chair Luke Closes work session on SB 506. Opens public hearing on SB 294A.

**SB 294A -  
PUBLIC  
HEARING**

Chair Luke Asks staff to explain bill.

310 Bryan  
Boehringer Committee Administrator, explains bill.

Gary  
Andeen Executive Director, Oregon Independent Colleges Association, testifies regarding SB 294A. Comments on previous Oregon statute regarding "diploma mills." Describes experience which resulted when statute was tested in court. Indicates language in Section 1 (a) of the bill which complies with federal statutes.

**TAPE 128, B**

003 David  
Young State Academic Degree Administrator, Office of Policy and Planning, testifies in favor of SB 294A. Explains why current Oregon statute was in conflict with federal commerce law.

045 Rep.  
Sunseri Asks question regarding lines 13-18, page 1 of the bill concerning accreditation.

Young Explains community colleges can operate for five years under state standards; then they can operate under their own accrediting standards.

Rep.  
Sunseri Clarifies that institution can issue degrees within the initial five year period.

063 Andeen Comments on one other item in bill which removes a "grandfather" clause.

Chair Luke Closes public hearing on SB 294A. Opens work session on SB 294A.

**SB 294A -  
WORK  
SESSION**

089 Rep.  
Jenson **MOTION: Moves SB 294A to the floor with a DO PASS recommendation.**

**VOTE: 6-0**

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

**EXCUSED: 1 - Starr**

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

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

Chair Luke Closes work session on SB 294A. 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 materials, staff, 5 pp

[\[2\]](#)( B - HB 2648 - proposed amendments, staff, 1 pg

<sup>3</sup>( C - HB 2648 - proposed amendments, staff, 4 pp

[\[4\]](#)( D - SB 506 - written materials, Grattan Kerans, 2 pp