

HOUSE COMMITTEE ON LABOR

May 1, 1997 Hearing Room E

8:00 A.M. Tapes - 72-75

**MEMBERS PRESENT:**

Rep. Steve Harper, Chair

Rep. Mike Fahey, Vice-Chair

Rep. Chris Beck

Rep. Dan Gardner

Rep. Bill Markham

Rep. John Minnis

Rep. Ron Sunseri

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Cara Filsinger, Administrator

Steve Wermuth, Administrative Support

**MEASURE/ISSUES HEARD:**

SB 650A Public Hearing

**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 72, A</b>		
004	Chair Harper	Calls the meeting to order at 8:05 a.m. Opens public hearing on SB 650A.
<b><u>SB 650A - PUBLIC HEARING</u></b>		
	Sen. Eugene	

009	Derfler	District 16. Co-sponsor of SB 650A. Explains purpose of the bill.
039	Sen. Neil Bryant	District 27. Co-sponsor of SB 650A. Explains current fair dismissal process. Gives concerns of teachers and administrators being able to be terminated for any reason.
082	Rep. Beck	Asks how big of a problem they think this is.
091	Sen. Derfler	Says about 80% of teachers are "good," 5% are "bad," and 15% that range somewhere in between.
113	Sen. Bryant	Says there are about 38,000 certified teachers in Oregon and 33,000 currently have permanent status. States that 7 to 8% of teachers give up the profession voluntarily.
137	Rep. Beck	Says there is very little discussion this session about implementing CIM and CAM programs. Asks for opinion of priority, tenure or other education programs.
159	Sen. Bryant	Says they are both important. Says we set high standards that will be difficult to meet and that training for teachers could be improved. Asks if inservice days are best use of the time.
174	Sen. Derfler	Agrees with Bryant. Feels that there is not grassroots support as long as public thinks that they are not getting a "good product."
191	Chair Harper	Gives time limits for testimony.
198	Rep. Fahey	Asks if tools are available for teachers to do their jobs, and asks how put out a standard when not enough resources.
223	Sen. Bryant	Explains that implementation of SB 650A does not treat all teachers the same as the current system does.
246	Rep. Fahey	States that schools with problems are not getting extra funding needed to solve those problems.
255	Sen. Derfler	Says that if money is the answer, then just giving more money would solve the problem.
268	Norma Paulus	Superintendent of Public Instruction. Introduces Ron Herendon.
278	Ron Herendon	President, National Head Start Association. Supports SB 650A. Says teachers receive inadequate training.
320	Herendon	Compares children's test scores from other nations and U.S. scores. Says children test scores in his community were not any better when they had adequate money and that money is not the issue.
368	Herendon	Says that top principals from around the country were brought together and had children achieving well, even in inner-city schools. Stresses importance of accountability of the adults.
407	Rep. Fahey	Asks about accountability in those other countries that were made reference to.
410	Herendon	Explains that poor families in U.S. care about their children and are accountable.
418	Rep. Fahey	Agrees.

418	Herendon	Says that is why those people were recruited for the Head Start program.
420	Rep. Fahey	Asks how many kids in Portland school district had the advantage of Head Start.
422	Herendon	Responds very few. Discusses rewarding the best performing teachers with money.
<b>TAPE 73,A</b>		
004	Herendon	Says that they tried the cash incentive program for teachers and few responded.
012	Rep. Minnis	Appreciates testimony and says that school systems today tolerate much worse behavior than they used to and says there is no discipline. Comments on teachers and expectations.
042	Herendon	Agrees and says that some of the most violent communities in the world have discipline and students are doing well. Explains that 60% of high school teachers are teaching a subject they did not major in, and discipline becomes a problem.
061	Rep. Beck	Asks if he has studied the details of the bill.
067	Herendon	Says he has read it.
067	Rep. Beck	Asks if he believes SB 650A is a good step.
071	Herendon	Responds yes. Explains that Head Start teachers and administrators are hired by the parents.
079	Rep. Beck	Asks how he would respond to some of the teachers' concerns as far as schools being political places.
088	Herendon	Explains that politics are everywhere. Says that Head Start is most successful program in the country working with inner-city children. Says that majority of parents want their children to do well and majority of educators want to do a good job, and if those things are present, along with excellently trained staff, the children will beat the odds.
125	Chris Dudley	Executive Director, Oregon School Boards Association <b>[EXHIBIT A]</b> . Introduces Francis Charbonnier.
130	Francis Charbonnier	McMinnville School Board; Board of Directors, Oregon School Boards Association (OSBA) <b>[EXHIBIT B]</b> . Supports SB 650A. Explains that educators and parents need to improve their schools.
176	Charbonnier	Explains that local communities should have more control over hiring and releasing employees who work for their children.
214	Charbonnier	Says that less than 5% of McMinnville teachers are inadequate, and the students pay the price. Says that with implementation of Measure 50, those teachers found inadequate need to make serious effort to improve their performance, or their contract will not be renewed.
233	Charbonnier	Explains that with implementation of Measure 50, political school boards faced with budgetary problems will be tempted to fire expensive teachers and replace them with low pay teachers in order to save money.

266	Rep. Fahey	Asks why teachers with experience are not being hired.
276	Charbonnier	Responds that teachers retire each year which provides vacancies. Explains that teaching experience is not synonymous with performance.
318	Rep. Fahey	Asks for criteria to be on school board.
322	Charbonnier	Responds that members are elected.
330	Rep. Beck	Asks that when someone has two years to reform and enjoys teaching and wants to do a good job, what kinds of support will be available to help them.
359	Charbonnier	Says he is not in support of every detail of SB 650A. Suggests providing new teachers with mentor teachers.
408	Rep. Fahey	Confirms student to teacher ratio in McMinnville as being 19 to 1.
420	Charbonnier	Agrees and says they try to keep student counts below 25 per class for K through 3rd grades, under 28 for 4th and 5th grades, and it varies in middle school and high school. Says the average ratio is 25 to 1.
430	Rep. Fahey	Asks if shop class is available.
431	Charbonnier	Responds yes. States that vocational education classes are difficult problems.
<b>TAPE 72,B</b>		
002	Rep. Gardner	Asks what is stopping from having a mentor system currently.
003	Charbonnier	Responds that they do. Says SB 650A is needed to create additional incentives for teachers that are not performing well.
008	Rep. Gardner	Asks what prevents observations.
010	Charbonnier	Says plan of assistance is required before dismissal procedures are initiated.
024	Dudley	Supports SB 650A. Says that issue is accountability of staff. Gives suggestions.
072	Dudley	Does not agree that the class size and work load issue based on finance is a defense against making changes. Discusses bargaining council. Does not find it logical that cosmetologists need a stricter license than teachers.
121	Rep. Markham	Asks to expand on testimony.
121	Dudley	Responds that even if Measure 50 passes, teachers will still have protection. Discusses teachers union.
155	Rep. Gardner	Asks if all school boards are in agreement on supporting SB 650A.
157	Dudley	Says he does not know.
169	Rep. Gardner	Confirms that court system would be more costly than process of teacher evaluations and dismissals.

183	Dudley	Responds that those protections are already there. Says it would be expensive to have districts hire newer teachers and get rid of older ones, resulting in lawsuits.
198	Rep. Fahey	Asks school board's position on funding equalization.
200	Dudley	Responds that they are for equity and adequacy.
208	Rep. Fahey	States there should be a statewide equalization for available classes and teacher to student ratio.
217	Dudley	States legislature should allocate money per student to districts.
235	Rep. Beck	Asks how many teachers have been fired through fair dismissal process.
252	Dudley	Responds about one per year in the past six years.
262	Rep. Beck	Asks about new teacher non-renewal status.
270	Dudley	States there is a three-year probationary period, and rather than going into permanent status, there will be a three-year contract.
282	Rep. Beck	Asks what would happen after third year of probation.
292	Dudley	Responds that a school board can renew a contract whenever they want.
300	Rep. Fahey	Asks what would stop more experienced teachers from negotiating a contract where they want to retire. Comments that retirement-prone communities would end up with all of the experienced teachers.
314	Dudley	Says if they wanted to give up a three-year contract, they can be a probationary teacher somewhere, which is a one-year contract.
328	Lori Wimmer	Government Relations Consultant, Oregon Education Association [EXHIBIT C]. Discusses written testimony. Comments that K-12 teachers do not have tenure. Opposes SB 650A.
368	Wimmer	Explains that implementation of SB 650A would allow non-renewal of contracts for any or no reason. Says there are no employee protections of unfair actions to non-extend a contract. Discusses costs of dismissals.
412	Wimmer	Speaks of how to get rid of bad teachers.
<b>TAPE 73, B</b>		
003	Wimmer	Comments that SB 650A lowers standards of evidence for dismissal of school employees. Supports teacher observations. Questions promotion of accountability. Believes SB 650A removes traditional means of determining layoff and recall order.
044	Wimmer	Comments that elimination of bargaining councils is a bad idea.
070	Rep. Beck	Asks to comment on Mr. Dudley's statistic on teachers fired through fair dismissal process.
074	Wimmer	Defers to attorney.
092	Mark Toledo	Attorney, Bennett & Hartman. States that a much higher number of teachers go through fair dismissal process, and that most who leave voluntarily resign. Comments on standards for dismissals.

130	Rep. Beck	Appreciates data they have supplied.
151	Wimmer	Explains data.
174	Toledo	Says SB 650A makes it easier to dismiss teachers.
179	Rep. Minnis	Asks if non-renewal notification is preferred in the third year of contract instead of the first year.
183	Toledo	Says if someone is not performing adequately, they should be notified immediately so they can take action to improve their behavior.
187	Rep. Minnis	Asks if that stops the motivation for giving improvements in the first year to correct the action.
192	Toledo	Responds that under SB 650A that will not happen because plans of assistance and evaluation processes will change.
197	Rep. Minnis	Asks about teachers assisting themselves.
205	Toledo	Responds that reasonable people will take actions to correct their behavior and that SB 650A creates no incentive for managers to participate in that process.
217	Toledo	States that many teachers voluntarily give resignations before exercising their right to file appeals. Says if implemented SB 650A would remove appeal rights and make it easier to dismiss permanent teachers.
263	Toledo	Explains that if fair dismissal appeal rights are removed, the courts will be the remedy more teachers pursue.
280	Rep. Minnis	Confirms that Toledo is suggesting that the lawyers who consult these teachers might suggest teachers to file a complaint based on discrimination rather than merit.
299	Toledo	Says that is not what he is suggesting. Explains.
314	Rep. Minnis	Asks if this helps people to lie about their termination.
321	Toledo	Responds that they do not do that currently and that it would be unethical.
324	Rep. Fahey	Asks if there is an exception in the bill that allows for anyone to "turn their career around."
333	Toledo	Responds yes. States that passage of the bill gives a teacher a right to appeal process through school board that has already supported the dismissal, and could be considered biased.
362	Ozzie Rose	Confederation of Oregon School Administrators <b>[EXHIBIT D]</b> . Supports SB 650A. Reads written testimony. Gives recommendations to amend language.
427	Ed Edwards	Director, Government Relations, Oregon School Employees Association <b>[EXHIBIT E]</b> .
<b>TAPE 74,A</b>		
011	Edwards	Discusses sections 15 through 18 of SB 650A. Says that section 15 expands the definition of confidential employee. Suggests to delete sections 15 through 18. Explains that section 16 allows contract negotiations of a successor agreement which is 150 days, and mid-term

		expedited negotiations which is 90 days, to occur simultaneously.
058	Edwards	Says will be confusion if simultaneous negotiations between 90 and 150 days is allowed. Says section 17 deals with longevity, merit steps, and increase in insurance premiums. Says that if negotiations are prohibited it will force employees to settle more quickly. Says that section 18 allows employer to contract out for any service and prohibits any kind of restriction to that right to contract out services.
101	Edwards	Comments that language which restricts contracting out makes it difficult for the union to get into a contract.
114	Chair Harper	Asks how many current contracts have this provision in them.
115	Edwards	Responds ten. Comments that the issues in sections 15 through 18 of SB 650A are local issues to be determined at the local level, and urges committee to delete them.
134	Rep. Minnis	Asks if there are currently problems with mid-term bargaining agreements.
138	Edwards	Responds that the 90-day mid-term time period is too short.
148	Rep. Minnis	Asks if it is possible to have more than one mid-term bargaining going on at once.
152	Edwards	Responds that he does not see anything in the law that would prevent it. Comments that in an OSBA publication, there was an advertisement stating that this section of SB 650A allows school districts to replace the 150-day time line with the 90-day timeline.
184	Ken Fitzsimon	Administrator for Labor Relations, Oregon Nurses Association <b>[EXHIBIT F]</b> . Opposes SB 650A.
218	Fitzsimon	Says that proposed amendment of ORS 243.698 by section 16 of SB 650A is an attempt to prevent public employees in their attempts to bargain collectively and equitably with public employers.
256	Fitzsimon	Says that the Employee Relations Board's (ERB) current interpretation of ORS 243.712 provides that merit pay and longevity step pay increases shall be a part of the status quo which the employer is obligated to maintain after a collective bargaining agreement has expired and prior to agreement to a successor contract until the completion of impasse procedures, unless the expired contract otherwise provides.
290	Ethan Medley	Teacher, Jefferson High School, Portland <b>[EXHIBIT G]</b> . Opposes 650A. Says that the bill has the possibility to drive teachers away from Oregon.
328	Medley	Comments that SB 650A may leave teachers not feeling as safe as in other states.
354	Rep. Minnis	Asks that if opportunity is available to provide for yourself, why not negotiate a contract with another school district that gives more flexibility and ability to negotiate based on your skills and experience.
387	Medley	States that he would still be running the danger of his choices contrary to what is popular in the face of what he believes a teacher ought to do.

401	Rep. Minnis	Asks what if a "better" contract was offered while currently in a contract.
409	Medley	Responds that he already has the right to do so, and if that is in this law, it is only implied.
424	Rep. Minnis	Says that he sees nothing that would prohibit Mr. Medley from negotiating another contract.
<b>TAPE 75, A</b>		
011	Medley	Says teachers with the rare qualifications should not be the only ones to carry the weight of challenging controversial positions, and that it is hard to rally the staff already in ways that might be controversial.
020	Rep. Minnis	Asks what he means by "rally the staff in ways that may be controversial."
021	Medley	Responds dissatisfactions with the discipline policy at Jefferson High School in trying to leverage change.
031	Chair Harper	Calls for a recess at 10:30 a.m.
033	Chair Harper	Calls meeting back to order at 10:50 a.m.
035	Richard Garrett	Teacher, Cleveland High School, Portland <b>[EXHIBIT H]</b> . Opposes SB 650A.
081	Garrett	Says that in the next ten years, Oregon will have to recruit 10,000 new teachers and asks if SB 650A will help. Asks if Oregon can attract teachers by degrading the profession.
088	Rep. Beck	Asks if there is any advantage of SB 650A, and asks for suggestions.
108	Garrett	Responds that he knows of teachers who have left the profession voluntarily because of inadequate compensation and some left because of working conditions. Says that teachers with bad performance have mostly left through counseling. Says that evaluation can sometimes be misused and explains. Discusses evaluations.
145	Medley	Says current evaluation process is a "mixed bag." Does not see teacher improvement plan being used.
161	Garrett	Comments that evaluation process is designed to cause improvement in a teachers' skill.
177	Rep. Beck	Asks if they see advantages to alternative forms of evaluation, and gives examples.
185	Garrett	Responds that alternative forms of evaluation are currently practiced in Portland.
204	Medley	Comments that it would be a high priority of his first several years of teaching with a more thorough evaluation process.
219	Rep. Gardner	Asks Medley if permanent status is present in Vancouver, Washington, for teachers.
226	Medley	Responds that he does not the details of their contracts.
	Carol	



242	Pedersen	Student, Portland State University [EXHIBIT I]. Supports SB 650A.
283	Pedersen	Believes SB 650A is in the best interest of public education in Oregon because it terminates tenure.
294	James Paul Brown	Retired teacher. Opposes SB 650A.
330	Brown	Says that in his district, they found other ways to fire teachers, both who were and were not doing their job efficiently. Believes having mentors for teachers is a good idea.
373	Brown	Explains how moving a teacher requires more work. Believes seniority is good to a degree and that stability helps to keep good teachers.
423	Rep. Beck	Asks how his behavior as a teacher would have changed if he would have been under a proposed three-year agreement.
431	Brown	Responds that he would have difficulty doing that and explains.
<b>TAPE 74, B</b>		
003	Brown	Provides examples.
009	Rep. Beck	Asks if Brown's views would have changed if it was thought that something he taught would be objectionable to an administrator or parent.
023	Brown	Does not believe so, but to make sure the students understood they could bring up their own points in class.
033	Chair Harper	Asks what has changed in the system and why is it so bad to be without tenure today.
039	Brown	Responds that there are reasons for teachers to be dismissed, but he could not say for sure.
048	Rep. Minnis	Asks if it gives any comfort knowing that administrators are covered by under this same bill.
049	Brown	Responds none at all. Says he has no problems with administrators.
060	Rep. Markham	Asks if Mr. Brown feels he should have been dismissed under certain situations.
062	Brown	Responds no, and states that under SB 650A, he could have been, just because someone was not really happy with his attitude toward them personally.
093	Tom Chamberlain	Firefighter, City of Portland. Opposes SB 650A. Says ERB has authority to take out bargaining units. Comments that there has been question as far as who is in and out of the bargaining unit with the passage of SB 750 (1995). Mentions Woodburn, Winston, Dillard, and McMinnville captains and lieutenants that have been taken out of the bargaining unit.
111	Rep. Minnis	Asks if documentation of that fact is available.
112	Chamberlain	Says that the community departments previously mentioned are small resources and did not have the money available to go to ERB. Says ERB ruled in cases of Dechutes County and Oregon State Police. Explains

		how sections 16 through 18 affect police and fire employees. Questions why Oregon teachers will be treated with lesser standard than other public employees.
155	Rep. Minnis	Comments that teachers are treated differently and that they have the right to strike.
160	Rich Peppers	Oregon Public Employees Union (OPEU), [EXHIBIT J]. Opposes SB 650A. Requests that sections 15 through 18 be deleted.
191	Daryl Garrettson	Hogue, Garrettson, Goldberg & Penrick, representing Oregon Council of Police Associations (OCPA). Says OCPA opposes sections 15 through 18 of SB 650A, explains. Gives concerns of DARE program.
238	Garrettson	Comments on step system and says most of their step systems are merit raises, not longevity raises.
269	Rep. Minnis	Asks for copies of verification from subject of supervisory personnel.
278	Garrettson	Discusses specific cases and suggests that sergeants be automatically part of rank and file of bargaining unit. Says he will send copies of the four cases.
307	Rep. Markham	Asked if witnesses were given ample time to testify in Senate committee.
314	Peppers	Responds yes, his testimony was given.
321	Ralph Groener	AFSCME. Submits testimony for Ken Allen [EXHIBIT K].
334	Chair Harper	Closes public hearing on SB 650A. Adjourns at 11:40 a.m.

Submitted By, Reviewed By,

Steve Wermuth, Cara Filsinger,

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A - SB 650A, written testimony, Chris Dudley, 6 pp.**

**B - SB 650A, written testimony, Francis Charbonnier, 2 pp.**

**C - SB 650A, written material, Laurie Wimmer, 7 pp.**

**D - SB 650A, written testimony, Ozzie Rose, 2 pp.**

**E - SB 650A, written material, Ed Edwards, 9 pp.**

**F - SB 650A, written testimony, Kenneth M. Fitzsimon, 5 pp.**

**G - SB 650A, written testimony, Ethan Medley, 2 pp.**

**H - SB 650A, written testimony, Richard Garrett, 2 pp.**

**I - SB 650A, written testimony, Carol Pedersen, 2 pp.**

**J - SB 650A, written testimony, Rich Peppers, 2 pp.**

**K - SB 650A, written testimony of Ken Allen, Ralph Groener, 7 pp.**

**L - SB 650A, written testimony of David V. Myton, Staff, 2 pp.**

**M - SB 650A, written testimony of Robert Duehmig, Staff, 1 p.**

**N - SB 650A, written testimony of Sam Patrick, Staff, 1 p.**

**O - SB 650A, written testimony of Shirley Curasi, Staff, 1 p.**

**P - SB 650A, written testimony of Carmel Hanes, Staff, 2 pp.**

**Q - SB 650A, written testimony of Richard Manoogian-O'Dell, Staff, 5 pp.**