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**SENATE COMMITTEE ON EDUCATION**

**January 22, 1997 Hearing Room 343**

**3:00 P.M. Tapes 7 - 8**

**MEMBERS PRESENT:**

**Sen. Tom Hartung, Chair**

**Sen. Marilyn Shannon, Vice-Chair**

**Sen. Ken Baker**

**Sen. Gary George**

**Sen. Cliff Trow**

**Sen. Susan Castillo**

**MEMBER EXCUSED:**

**None**

**STAFF PRESENT:**

**Jan McComb, Administrator**

**Shirley Spendal, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Public Hearing on:**

**SB 179**

**SB 180**

**SB 183**

**Public Hearing and Work Session on:**

**SB 182**

**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 7, A</b>		

**005 Chair Hartung Calls meeting to order at 3: 05 p.m. Announces no meetings on Fridays, but may meet until 6:00 on Mondays or Wednesday.**

**022 Sen. Baker Asks to be alerted ahead of time.**

**Chair Hartung Opens public hearing on SB 182**

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**SB 182 - PUBLIC HEARING**

031 Greg McMurdo Represent Oregon Department of Education. Introduced Leon Furhman from Office of Student Services. Asked Leon to explain bill.

037 Leon Furhman Office of Student Services.

039 Furhman SB 182 enables local school district to take over approval of the education plans required by statute for those students being educated in residential youth care centers. Submits EXHIBIT A. Explains history of SB 182. States bill essentially moves the approval of those plans to local school

district now because they receive funding directly. There is no need for us to be approving those plans since no longer allocate funds.

Sen. Trow Asks if problems connected with approving plans.

062 Furhman States process two-stage. Explains.

068 Sen. Trow Asks if had any difficulty approving plans - asks if reason for you to have overview?

070 Furhman No. Indicates plans formed through collaboration between residential youth care center and the school district.

074 Sen. Trow Asks if school districts can do it as well as they do.

075 Furhman Yes.

Chair Hartung Closes public hearing on SB 182 and opens work session.

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### **SB 182 - WORK SESSION**

**Sen. Trow MOTION: Moves SB 182 to the floor without amendments, with a do pass recommendation.**

**Chair Hartung VOTE: Hearing no objection, motion CARRIED.**

**086 Chair Hartung States Sen. Castillo will carry our first bill on the floor.**

Opens public hearing on SB 179

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### **SB 179 - PUBLIC HEARING**

092 Greg McMurdo State Department of Education. Introduces Joanne Flint. Bill changes frequency by which department does school improvement visits, formally called standardization visits. In 1991 when this bill passed were doing school visits once every 6 years. Department supported move to go to school improvement visits every 3 years. Bill seeks to move back from 3 to 4-year period. Also deletes requirement that all visits be on-site. Indicates do not have staff available to perform these every 3 years. Not able to keep up. Matter of dollars, but also educationally sound move.

108 Joanne Flint Oregon Department of Education.

109 Flint Not possible to visit over 70 school districts a year. Move would allow us to be in sync with every two-year district improvement plans. The districts would like opportunity to move through this cycle twice and monitor progress and then provide information to Department. Believes with testing system will have good student progress reports. Move would still leave approximately 50 districts a year to visit. States discovering turning more responsibility over to districts to monitor and assure in compliance with laws. Feels could determine progress through desk audit.

147 Sen. Baker Asks if department now has discretion to audit between times, on yearly basis if want.

152 McMurdo Yes. Discusses Division 22 complaint.

156 Sen. Baker What is rationale for putting everyone on schedule or why couldn't you randomly audit 10% or so at your discretion.

160 Flint Feels beneficial to have longer time span and a schedule. Feels good for them to review the process they should do internally.

180 Sen. Trow Agrees with Sen. Baker. Standardization visits do not make as much sense as transitional

help visits might make. Discusses Corvallis School District, CIM and CAM.

205 Chair Hartung Asks what kind of staff do you have to do these assessments.

208 Flint Ten staff team leaders for ten different areas of state. Balance of team comes from other offices within Department.

217 Chair Hartung Asks if feel could increase efficiency.

222 McMurdo Yes. States why suggesting not need to have on-site visits. Feel through electronic and paperwork could accomplish the same.

226 Chair Hartung Asks if involves site visits.

Flint Yes. Suggested to local district just visit some school buildings, but all asked we please visit each building as anxious to have us in those buildings. States have not pushed to eliminate.

234 Chair Hartung Asks if every year go into 300 schools.

235 Flint Yes, extremely difficult.

237 Sen. Trow Asks if would make sense to have more flexibility with this and greater role in giving technical assistance in other matters.

239 Flint Yes.

241 Sen. Trow Asks if work on this bill's language to allow you to do that.

242 McMurdo Answered would be pleased to do that, but did not think committee interested in giving more flexibility. Will work on language.

245 Chair Hartung Remember flexibility means improving quality, less money.

246 McMurdo Discusses Secretary of State audit.

251 Sen. Trow Department needs to focus on crisis from transition.

253 Baker Wants to shop around in his school district and hear what others want to say.

254 Chair Hartung Closes testimony on bill. Asked Greg McMurdo to bring back proposed amendments. Closes public hearing on SB 179 and opens public hearing on SB 180.

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### **SB 180 - PUBLIC HEARING**

260 Greg McMurdo Department of Education. Introduces Joanne Flint. Bill deals with textbook adoption process and some "wrinkles" which occurred during last adoption cycle.

263 Joanne Flint Would like to invite Wanda Monthey to testify, as her responsibility.

266 Wanda Monthey Works in Curriculum and Field Services at Department.

Reason asked for change is we have only had one publisher submit instructional materials for adoption, so haven't had opportunity to have multiple list.

274 Sen. Trow Asks for clarification.

275 Monthey Only one submission.

277 Sen. Trow Asks if your multiple list only has one thing on it, that doesn't mean you have to do away with multiple lists when there could be others.

279 Monthey Interpretation means that multiple lists means we have to have more materials on each list.

281 Sen. Trow Asks if should change language to "multiple list when possible" or "available."

## **TAPE 8, A**

005 McMurdo Sees no problem, and he would accomplish the same thing and make it sure board has authority to adopt if there is only a single submission.

006 Monthey Has had multiple submissions before, but have not met criteria.

010 Sen. Trow Could amend the bill to say when possible and it does not go below the level of standards that you have determined.

015 Sen. Shannon Refers to line 28. Feels should consider amending "may" to "shall." Feels parents should be allowed to participate in textbook selection.

021 McMurdo That is fine.

025 Chair Hartung Yes. Might cause parents to have input. Asks for amendments, which have been run by the A.G.

028 Sen. Baker In line 6 could add words "when available." Line 28, "shall involve parents and citizens in process."

032 Chair Hartung Asks if can say parents and citizens. Closes public hearing on SB 180 and opens public hearing on SB 183.

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### **SB 183 - PUBLIC HEARING**

036 Greg McMurdo Oregon Department of Education. Feels it is "purest housekeeping bill" I have brought but it is not without controversy.

048 McMurdo In 1993 Oregon moved requirement for background checks. Prior to that there was ability to do checks using the Oregon LED system. Rep. Courtney introduced bill, result was would apply only to newly hired employees as opposed to existing employees. For two purposes: Fiscal impact and experience. Also concern would flood FBI with print cards. Bill passed, only applied to newly hired employees and required districts to pay department fee to cover its costs. Allowed districts to charge employees for cost of fingerprinting.

071 McMurdo In 1995 TSPC bill introduced resulted in expansion of program to cover all existing employees. In addition to that, we wanted to be included in definition of school district so we could have authority to do background checks on our special schools. This bill provided that school districts could pass the cost to the employee itself. Also provided for time payment. Because of drafting error, did not include classified employees. During February special session introduced identical bill which passed Senate but not House. In meantime, after special session, received letters challenging if we had authority to print or collect monies.

094 McMurdo Met with Attorney General. As a result in June sent memo to all school districts and ESD's advising of error and they should not print existing employees. Fortunately, no one had been printed. A.G. suggested validation language, which is in last section.

118 McMurdo Only three amendments - reference to existing employees.

States this bill accomplishes what you thought you did in 1995, but you have opportunity to revisit issue



of who pays.

132 Sen. Shannon Are classified employees being treated same as teachers.

134 McMurdo Yes, if bill passed as is.

137 Sen. Shannon Asks if teachers paid for their own.

138 McMurdo Part of their licensing.

139 Sen. Trow Asks for clarification - omission was just a mistake?

142 McMurdo Yes. To assume otherwise would give no meaning to bill passed last session.

144 Sen. Trow Clarifies no intention to grandfather anyone in.

145 McMurdo. Answers no intent when passed.

146 Sen. Trow Why should retroactively make these people pay for something they haven't had to do, why can't state pay.

152 McMurdo All employees should be treated the same. Answers policy decision of 1995 legislature. States the committee free to revisit.

160 Sen. Trow Asks how many people are affected. Asks if some have already been fingerprinted.

162 McMurdo States no, none that aware of.

163 Sen. Trow Clarifies none.

163 McMurdo No.

164 Sen. Trow Questions and discussion regarding who has been printed.

182 Sen. Castillo Referring to treating all employees the same, asks if consideration given to fact classified employees probably make less money than certified employees do.

187 McMurdo Answers it was considered, but not approved. States of the 6,069 people, roughly 60 would be subject to being printed to department.

194 Chair Hartung Are volunteer coaches fingerprinted.

208 McMurdo No. Salem Keizer has 20,000 volunteers. Do an Oregon LEDS check. Charges districts \$5.00 per name based on social security number. Self-sustaining program. Does not generate revenue.

210 Chair Hartung Recognize not possible to print everyone.

215 McMurdo Without statutory authority could not process fingerprint cards for volunteers.

220 Chair Hartung Clarifies would cost \$42 each.

223 McMurdo Great deal of interest from private schools, day care, to be included in process.

225 Chair Hartung Asks for cost break-down.

230 McMurdo FBI \$24; state police \$12; we charge \$6.

233 Chair Hartung Asks if could be reduced.

234 McMurdo. Successful with state police reducing costs; FBI will not budge; \$6 keeps program running.

238 Sen. Trow Asks if evidence that classified employees are causing a problem.

243 McMurdo Answers because we don't print, don't know.

245 Sen. Trow Questions and discussion of problems.

249 Sen. Trow Feels all should be printed, but does not feel fair low salaried people should pay.

254 Sen. Shannon Are you open to an amendment to require it.

255 McMurdo Answers believe would cause firestorm and not sure U.S. Department of Justice would allow. Feels open to anything.

263 Sen. Shannon Questions and discussion regarding U.S. Government rejection of bill.

272 Sen. Baker Asks if imposing this as a condition of employment aren't we violating existing

contractual relationships.

275 McMurdo Answers debatable whether or not a bargainable issue. Did not reach with our employees because discovered could not print them.

## **TAPE 7, B**

005 Sen. Baker Asks if any requirement if have an existing employee who creates another criminal act that their employer notified.

007 McMurdo Answered believe requirement posed on district attorneys to forward information.

010 Baker Asks how they could know employer.

014 McMurdo Answered if indicted part of record. Testimony in 1993 indicated employer was not being notified.

015 Sen. Baker Questions and discussion regarding TSPC statutes.

032 Castillo Has concern about employees being charged retroactively. States would like to see bill amended to say district would pick up cost.

041 Tricia Smith Government relations specialist for Oregon Employees Association. Submits **(EXHIBIT A)**.

043 Smith Important to review history of fingerprinting. Discusses history of bill, referring to **EXHIBIT A**.

082 Smith Continues history of fingerprinting classified employees.

093 Smith OSEA believes most important issue protection of school children. OSEA members believe proving not criminals a small price to pay, and are not objecting to passage of SB 183 requiring fingerprinting. States however costs significant and believe do not have to pay to be fingerprinted.

112 Smith Discusses cost to districts averaging less than \$1,300.

125 Smith Hopes bill amended, not killed. Refers to proposed Amendment, page 3 of **EXHIBIT A**. With that amendment we support bill.

137 Jim Green Oregon School Boards Association. Feels clear issue is who is going to pay.

141 Green Answers Sen. Baker's question regarding renewal of license. That is located in statutes covering TSPC, ORS 342.223. Will be repealed in year 2000.

151 Sen. Baker Asks if that is current statute then.

152 Green Yes.

153 Sen. Baker Asks if the 1995 law had problems with it.

154 Green Answers out of regular session for 1995. Problem with SB 183 was the problem in ORS 326.603. Classified are under 326; licensed under 342.

160 Sen. Shannon To clarify her question, were the teachers treated the same, no.

162 Green When teachers come up for renewal, that is the time they submit their fingerprints and \$42 to TSPC.

165 Green Addresses question of was there consideration for difference between certified and classified pay. States yes. In 1993 OSBA voiced concern regarding new hires. Looking at bill, lines 13-15 allows for withholding amount from paycheck if requested. Discusses method of paying and collecting monies.

182 Green Believe passing cost to employee makes sense as long as allowance for time payments. Discusses cost to district if employees do not pay.

195 Green Support bill as drafted. Feels bill protects kids. Discusses list of 18 crimes.

212 Sen. Trow Asks if indicated the committee would not work this bill now.

214 Chair Hartung Correct.

215 Sen. Trow Indicates will support proposed amendment.

216 Chair Hartung Indicates work session to be scheduled soon.

217 Wilma Wells Represents Confederation of Oregon School Administrators. Four Divisions, 2000 members. Support bill as written.

221 Wells If don't leave the bill written way it is, becomes unfunded mandate. You cannot tell by average how much it will cost the school district. Have system which sometimes we could do cheaper, save district monies. Feels school districts pay fair wage.

245 Chair Hartung Asks if superintendents, deputy superintendents printed also.

246 Wells Answers yes.

248 Tricia Bosak Oregon Association of Classified Employees. **EXHIBIT B.**

Bosak Here to express concerns about SB 183. Did oppose as originally drafted; however favor amendment discussed today. Do not oppose criminal background checks. Concerned about costs. Feels fee should continue to be paid for those who have been on job for a while. Feels school districts should pay as cost of doing business.

271 Chair Hartung Asks how many classified employees represents.

273 Bosak States can get the number for him.

275 Sen. George Asks if it is her understanding employers do usually pick up the cost when something like this comes up.

282 Bosak States that is something that is bargained, and she was referring to other types of licenses such as plumbers, etc., working for school districts.

## **TAPE 8, B**

005 Bob Duehmig Oregon Federation of Teachers, AFT. Wants to support Tricia Smith and Tricia Bosak.

015 Wayne Martin One question. Salem, Oregon resident.

016 Martin Would like to ask the Vice Chair a question which she brought up. Why aren't the private

schools being addressed by this bill?

019 Chair Hartung Answers Greg McMurdo says U.S. Department of Justice would not allow us to do that. Asks McMurdo to respond.

021 Martin Asks why Washington and California require all private and public to do this.

023 Sen. Shannon That is a new question.

025 McMurdo Answers his understanding U.S. Department of Justice would not allow. Also, indicates he would look at that issue again. States that was one of his assignments he assumed he had.

028 Chair Hartung We will have that for this committee when in work session.

030 Martin If demand all public school people be fingerprinted, are you forgetting the other 40 percent of students?

038 Chair Hartung Will schedule a work session on this.

040 Martin Asks if can attend.

042 Chair Hartung Closes public hearing on SB 183. Answers yes. Will be public hearing and then work session. Announced to committee Bend Cascadia hearing at Bend City Hall. Adjourned at 4:25 p.m.



Submitted By, Reviewed By,

Shirley Spendal, Jan McComb,

Administrative Support Administrator

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**EXHIBIT SUMMARY**

**A - Testimony, Tricia Smith, 2 pg.**

**B - Testimony, Tricia Bosak, 1 pg.**

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