

HOUSE COMMITTEE ON
HUMAN RESOURCES & EDUCATION
SUBCOMMITTEE ON EDUCATION

April 11, 1995 Hearing Room 343
4:00 p.m. Tapes - 35

MEMBERS PRESENT:

Rep. Patti Milne, Chair
Rep. Mike Lehman
Rep. John Meek
Rep. Frank Shields
Rep. Lynn Snodgrass
Rep. Dennis Luke, ex-officio

MEMBER EXCUSED:

Rep. Terry Thompson, Vice-Chair

VISITING MEMBER:

Rep. Charles Starr

STAFF PRESENT:

Jan McComb, Committee Administrator
Pamela Berger, Committee Assistant

MEASURES HEARD:

HB 2487 - Work Session
HB 2337 - Work Session
HB 3328 - Work Session
HB 2962 - Informational
HB 3296 - Informational
HB 3175 - Informational
HB 2450 - Informational
HB 2965 - Informational
HB 2609 - Informational
HB 2694 - Informational
HB 3317 - Informational
HB 2997 - Informational
HB 2998 - Informational

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

CHAIR MILNE: Calls the meeting to order at 4:08 p.m.

HB 2962 -Informational Hearing

010 DOUG COLLINS, OREGON SCHOLARSHIP COMMISSION: Testifies in favor of HB
2962

- successful scholarship program
- continue program; create more

030 SALLY WOODYARD, DOLLARS FOR SCHOLARS: Submits and reads written
testimony in favor of HB 2962 (EXHIBIT B)

077 JOANIE LAFFERTY, DOLLARS FOR SCHOLARS: Testifies in favor of HB 2962
-background of Dollars for Scholars organization
-fund raising activities

HB 3296 - Informational Hearing

135 TOM HART, MARION COUNTY DISTRICT ATTORNEY'S ASSOCIATION: Testifies in
support of HB 3296
-explains bill
-appropriate that schools make children aware of what they are risking when
committing a crime

-REP. FLOYD PROZANSKI, DISTRICT 40: Testifies in favor of HB 3296
-important to understand the problems that we are having
-this is going to be viewed as an unfunded mandate; important to have an
effective and efficient program and one that has been tried and piloted to
get a message across

JIM GREEN, OREGON SCHOOL BOARDS ASSOCIATION: Testifies in opposition to HB
3296
200 -we do see this as an unfunded mandate; imposing costs
-requiring this would take away from regular education classes
-oppose bill as currently written; if a pilot program is implemented hope
that funding is also provided

206 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Testifies
in opposition to HB 3296
-takes time away from current curriculum that we are required to teach

PROZANSKI: In response to Luke, have not used peer court in Lane county
-it is a reactive stage, although important
-want to make sure that kids know what their responsibilities to society
are prior to getting into trouble

HART: In response to Lehman, describes types of conduct
-reformation clause
-deterrents

PROZANSKI: Juvenile crime influx

340 HART: In response to Meek, discusses SB 1
-youth authority providing education

HB 3328 - Work Session

Staff submits written testimony from Sonya Fischer on HB 3328 (EXHIBIT D)

Staff submits HB 3328-3 proposed amendments and a staff measure summary on
the proposed amendments (EXHIBIT M)

390 WYLIE: Explains proposed amendments

MOTION: MEEK MOVES ADOPTION OF HB 3328-3 PROPOSED AMENDMENTS

VOTE: NO OBJECTIONS

MOTION: MEEK MOVES HB 3328, AS AMENDED, TO THE FULL COMMITTEE WITH A DO
PASS RECOMMENDATION

LEHMAN: Does this exceed federal requirements?

KATHRYN WEIT, OREGON DISABILITIES COUNCIL: Not aware if it does exceed it;
unable to answer question

VOTE: THE MOTION PASSES 6-0. THOMPSON EXCUSED

HB 2337 - Work Session

MEEK: Explains bill

Staff submits HB 2337-5 and HB 2337-6 proposed amendments (EXHIBIT C)

McCOMB: Explains proposed amendments

MOTION: MEEK MOVES THE ADOPTION OF HB 2337-5 PROPOSED AMENDMENTS

TAPE 33, SIDE A

LUKE: Opposition to -5 amendments

LEHMAN: Opposition to -5 amendments

050 MILNE: Opposition to -5 amendments

SHIELDS: Wondering what segment of the population we are dealing with

064 MEEK: Discusses sum of money trying to be recovered; only addresses
those six months in default

-garnishment of wages adds additional costs

-money needs to be available for current students; 70 million dollars

SHIELDS: How many people are behind?

-believes in good faith efforts

110 DOUG COLLINS, SCHOLARSHIP COMMISSION: If someone goes 180 days without
making any payments they are technically in default, then they have 180
days plus 30 days after that to get in good standing with us

McCOMB: Do not yet have fiscal statement on -5 or -6 amendments; hope to
get those before it is heard in the full committee

SHIELDS: Need to help scholarship commission retrieve funds

-the -6 amendments are less punitive

LEHMAN: Commission has right to receive any tax refunds from unpaid loans

MILNE: May be talking about people who are not employed, not getting tax
reform

166 KATHY SILKIE, SCHOLARSHIP COMMISSION: Explains what they do according

to a persons situation (i.e. inability to pay)

COLLINS: Will check if fault rate is any higher for public versus private schools

MEEK: This is not punitive
-addressing individuals that should be repaying loan but are refusing to
-supports -5

LUKE: Why don't we give it to banks, credit unions etc. bothered that there is no connection between loans and drivers license

SNODGRASS: Recalls testimony that this has been done in another state

SILKIE: There are two states that have passed similar legislation
-Texas law

242 VOTE: THE MOTION FAILS 3-2. MEEK AND SNODGRASS VOTE AYE. LEHMAN, SHIELDS, LUKE AND MILNE VOTE NO.

MOTION: SHIELDS MOVES ADOPTION OF HB 2337-6 PROPOSED AMENDMENTS

VOTE: NO OBJECTIONS

MOTION: MEEK MOVES HB 2337, AS AMENDED, TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION

THE MOTION PASSES 6-0. THOMPSON EXCUSED. MEEK CARRIES.

HB 2487 - Work Session

Staff submits a SMS, HB 2487-1 and HB 2487-2 proposed amendments (EXHIBIT A)

290 McCOMB: Explains the -1 and -2 proposed amendments

MOTION: MEEK MOVES ADOPTION OF THE HB 2487-2 PROPOSED AMENDMENTS

MEEK: Argument in favor of the -2 amendments

380 GARY CONKLING, BEAVERTON SCHOOL DISTRICT: In response to Luke, responds about expenditure; first time I've seen these figures

TAPE 32, SIDE B

-in response to Luke, have had conversations with parents and student representatives in our district who indicated that this sanction is one they would take note of

REP. PETER COURTNEY, DISTRICT 33: The issue of revoking a drivers license originated in the early 1980s to deal with a drug problem in the Ashland area; the idea came from the students, not adults
-need this extra tool for extraordinary situations

VOTE: NO OBJECTIONS

MOTION: MEEK MOVES HB 2487, AS AMENDED, TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION

100 SNODGRASS: Questions language in section 7, nothing that relates to

violence, stands on its on

MEEK: The -2 amendments section 3 addresses that language

VOTE: THE MOTION PASSES 5-2. MEEK, SHIELDS, SNODGRASS, AND MILNE VOTE AYE. LUKE AND LEHMAN VOTE NO. MEEK CARRIES.

HB 3175 - Informational Hearing

ROBERT NOOSE, OREGON STUDENT LOBBY: Submits and reads written testimony on HB 3175 (EXHIBIT E)

200 GEORGE PERNSTEINER, ASSOCIATE VICE CHANCELLOR FOR ADMINISTRATION:
Submits and reads written testimony on HB 3175 (EXHIBIT F)

300 REP. CAROLYN OAKLEY, DISTRICT 36: Testifies in favor of HB 3175
-increasing tuition costs

HB 3296 - Informational Hearing

272 REP. EILEEN QUTUB, DISTRICT 8: Testifies in favor of HB 3296
-explains how bill came about
-does not know fiscal ramifications

HB 2450 - Informational Hearing

JIM GREEN, OREGON SCHOOL BOARD ASSOCIATION: Not sure what the sponsors were trying to get at in this bill because in our administrative rules and school policies teachers have ability already, this is an additional definition

-this is currently what we are doing
-reluctance, for fear of lawsuits, of using physical force
-in response to Luke, can use reasonable physical force if disruptive to classroom

386 MEEK: Statutorily need to make it more clear for the teacher to feel more comfortable in using physical force; this makes it clearer

GREEN: Discusses the term "reasonable"

TAPE 33, SIDE B

REP. LIZ VanLEEuwEN, DISTRICT 37: Testifies in favor of HB 2450
-refers to proposed amendments (EXHIBIT G)
-school personnel do not know how far they can go; this helps clarify

GREEN: In response to Luke, there isn't anything in this bill that creates any problem

-the issue is what is the reason for the reasonable force
-this addresses the teacher but we do have other employees who have control over children (i.e. school bus driver)

041 STEPHANIE HOLMES, OSEA: Discusses disruptive behavior

VanLEEuwEN: Suggested language change to include volunteers or other school employee which was the intent of the bill

073 JOHN DANIELSON, OREGON EDUCATION ASSOCIATION: Under current law, many school districts adopt policy whereby physical force is entirely prohibited

in the schools, so there is no use of physical force, even though there is an implication based on current law that it is allowable

- if you adopt this you then supersede the district's ability to prohibit physical force

- probably could expand to include classified employees

- this is a policy change, more than it may appear

HB 2965 - Informational Hearing

093 MEEK: Testifies on HB 2965

- explains bill

- in response to Luke, discusses possible language to do background checks on other employees

LUKE: Adds consistency

120 OZZIE ROSE, CONFEDERATED OREGON SCHOOL ADMINISTRATORS: Do not feel that the bill is necessary

- does not open many options that don't already exist

HB 2609 - Informational Hearing

151 GARY CHRISTENSEN, OSSHE: Submits and reads written testimony on HB 2609

(EXHIBIT H)

- doesn't feel that bill is necessary

- in response to Luke, talks about residency

HB 2694 - Informational Hearing

190 DAN McCULLOCH, NORTH PACIFIC UNION OF SEVENTH-DAY ADVENTISTS, OREGON FEDERATION OF INDEPENDENT SCHOOLS: Submits and reads written testimony on

HB 2694 (EXHIBIT I)

226 GREG McMURDO, DEPARTMENT OF EDUCATION: Intent may be simple but the bill goes beyond; willing to work on it

- no requirement that private schools register or be regulated in any way

260 McCULLOCH: Testing for transfer students

- suggest having language that states "test and place"

294 GREEN: Discusses present policy for testing of transfer students

- adding language could add costs to school districts

- schools try to evaluate student records

LUKE: Clarifies

McCULLOCH: Importance of properly placing a student

361 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Discourages

requiring schools to test students that transfer from another states

- cost would be excessive

HB 3317 - Informational Hearing

390 REP. LYNN SNODGRASS, DISTRICT 10: Introduces bill

TAPE 34, SIDE A

035 -submits proposed amendment (EXHIBIT J)

045 DR. ROBERT McCALISTER, OREGON HEALTH DIVISION: Testifies on HB 3317
-was not aware of the proposed amendments
-sexually active children statistics
-sexual transmitted diseases (STD)
-irresponsible parents not showing interest in their children; these are
the children who are at greatest risk of pregnancy and contracting STDs

075 -existing statute should be left in its present form
-submits written testimony (EXHIBIT N)

086 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Testifies
on HB 3317
-shares experiences of parental agreement process
-will have difficulty obtaining permission slips from certain families

HB 2997 - Informational Hearing

135 REP. CHARLES STARR, DISTRICT 3: Submits and reads written testimony in
favor of HB 2997 (EXHIBIT K)

180 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Testifies
on HB 2997
-did not know this couldn't be done
-do not know what organic documents are

STARR: History books have recently eliminated many things
-doubt that we are doing an adequate job in bringing historical events to
our students
-reference important documents as encouragement

225 DAVID FIDANQUE, AMERICAN CIVIL LIBERTIES UNION: Testifies on HB 2997
-teaching of American history
-ACLU has never opposed the teaching of the place of religion in the lives
of the founders of Republic or in the lives of Americans today
-bill of rights
-problems with section 1
-examples of when teachers or administrators have used certain religious
quotes to advance his or her religious agenda
-sanitation of text books to avoid problems
-teach history as it was and allow students to understand the effects that
it had on our history

284 -excerpts out of text to promote religion
-separation of church and state
-purpose of constitutional separation of church and state
-content based discrimination
-page 1, line 19
-the constitution clearly prohibits school officials and teachers to use
their position to advance their religious belief; believes this bill would
attempt to permit for them to do that

TAPE 35, SIDE A

008 GREG McMURDO, OREGON DEPARTMENT OF EDUCATION: Testifies on HB 2997
-shares some of Fidanque's concerns
-circumstances that the Oregon Constitution would be violated

020 JOHN DANIELSON, OREGON EDUCATION ASSOCIATION: Testifies on HB 2997

- schools being a constitutional responsibility of the states
- AGs opinions; statutory authority
- if you use concept of legal interpretation then the inclusion of these items suggests that there is an exclusion
- no problem posting most of these things unless it is a church/state violation
- instead of broadening what can be used, you may in fact be limiting
- doesn't believe this is an effective vehicle

HB 2998 - Informational Hearing

GREG McMURDO: DEPARTMENT OF EDUCATION: Testifies on HB 2998

- bill does more than eliminating examinations for home schoolers; repeals registration requirements; nullifies compulsory attendance laws
- provides statistics on home schooled students

130 DENNIS TUURI, PARENTS EDUCATION ASSOCIATION: Submits and reads written testimony on HB 2998 (EXHIBIT L)

- makes corrections to McMurdo's testimony

250 CHAIR MILNE: Adjourns meeting at 6:45 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Jan McComb

EXHIBIT LOG:

- A - HB 2487 - proposed amendments - staff - 31 pp
- B - HB 2962 - testimony - Woodyard- 7 pp
- C - HB 2337 - proposed amendments - staff - 10 pp
- D - HB 3328 - testimony - staff/Fischer - 2 pp
- E - HB 3175 - testimony - Noose - Noose - 2 pp
- F - HB 3175 - testimony - Pernsteiner -2 pp
- G - HB 2450 - proposed amendments - staff - 2 pp
- H - HB 2609 - testimony - Christensen - 2 pp
- I - HB 2694 - testimony - McCulloch - 3 pp
- J - HB 3317 - proposed amendments - 1 p
- K - HB 2997 - testimony - Starr - 6 pp
- L - HB 2998 - testimony - Tuuri - 6 pp
- M - HB 3328 - proposed amendments - staff - 3 pp
- N - HB 3317 - testimony - McAlister - 2 pp