

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND
CORRECTIONS

Hearing Room
Tapes - 10

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: HB 2123 HB 2212

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 , A

005 CHAIR TARNO: Convenes meeting at 8:33 A.M.

 OPENS the PUBLIC HEARING on HB 2123

Witnesses: Rep. Del Parks, District 53
 David Myton, Teachers Standards and Practices Commission
 Kathy Wiper, Commissioner and Teacher Churchill High School
 Al Shannon, Department of Education
 Ed Edwards, Director of Government Relations, Oregon School Employees

Assoc.

 Rives Kistler, Assistant Attorney General, Department of Justice
 Jim Green, Oregon School Board Association

011 ROBINSON: Explains HB 2123.

036 REPRESENTATIVE DEL PARKS, DISTRICT 53: Testimony in favor of HB 2123.

Submits
 and discusses proposed amendments [EXHIBIT A].

070 DAVID MYTON, EXECUTIVE SECRETARY, TEACHERS STANDARDS AND PRACTICES
COMMISSION (TSPC): Submits [EXHIBITS B & C], introduces Kathy Wiper.

080 KATHY WIPER, TEACHERS STANDARDS AND PRACTICES COMMISSION LEGISLATIVE
LIAISON: Testimony in favor of HB 2123.

100 CHAIR TARNO: Do you think this will clear up any kind of confusion we have and will it be a good bill when it's finished?

107 MYTON: Yes, we feel we were able to implement the original bill satisfactorily.

119 REP. COURTNEY: We are talking about teachers but you have other employees that work in the district that deal with kids.

127 MYTON: This does include administrators, counselors, school nurses and so on.

135 AL SHANNON, DIRECTOR of PEOPLE TRANSPORTATION and SCHOOL BUSINESS SERVICES, OREGON DEPARTMENT OF EDUCATION: Testimony in favor of HB 2123. Submits [EXHIBITS D & E].

145 REP. PROZANSKI: Is it your understanding that there is no check through Hillcrest or MacLaren at this time based on standard employment at those training centers for fingerprinting and background checks?

150 SHANNON: The law is specific in its definition of a school district, and the FBI records we have access to will only allow us access to what the legislature has given us authority to.

161 ROBINSON: Prior to last session the schools at Hillcrest and MacLaren were under Children's Services Division (CSD).

175 REP. LEWIS: Are people such as teacher's assistants covered under this?

180 SHANNON: The bill requires school districts to identify those positions which have direct, unsupervised contact with children.

194 ED EDWARDS, DIRECTOR of GOVERNMENT RELATIONS for the OREGON SCHOOL EMPLOYEES ASSOCIATION: Testimony in support of HB 2123. This bill poses a certain question. How are we to define student teachers in the school environment?

260 EDWARDS: Discusses Teachers Standards and Practices Commission Disciplinary Committee.

285 REP. COURTNEY: Teachers should be covered too?

290 EDWARDS: Absolutely. The way the system is working it is not equitable.

309 REP. PROZANSKI: It sounds like classified employees are at this point fingerprinted, is that correct?

313 EDWARDS: Current employees are exempt.

CLOSES the PUBLIC HEARING on HB 2123
OPENS the PUBLIC HEARING on HB 2212

344 RIVES KISTLER, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF JUSTICE: Testimony in support of HB 2212. Submits [EXHIBITS F & G]. Discusses amendment [EXHIBIT G].

393 REP. COURTNEY: What are free speech activities as you use in that phrase?

395 KISTLER: Specifically people who get paid for describing their crimes
in the media.

417 COURTNEY: Tabloid television, is that what you're talking about?

420 KISTLER: Yes. Gives examples.

440 CLOSES the PUBLIC HEARING on HB 2212
RE-OPENS the PUBLIC HEARING on HB 2123

449 JIM GREEN, OREGON SCHOOL BOARD ASSOCIATION: Testimony in support of
HB 2123. What's happening right now is we are only fingerprinting and
getting criminal background checks on people who are being newly hired in
the school districts. The folks who
are currently classified employees are not being fingerprinted.

468 REP. COURTNEY: What if they move?

472 GREEN: If they move, they are fingerprinted under current
administration.

TAPE 10, A

034 REP. COURTNEY: What does the word renewal mean?

035 GREEN: Are you talking about renewal of a license?

040 REP. COURTNEY: That's what this bill does. The amendments we are
thinking of adopting
add the language "or renewal". What does it mean by renewal?

045 GREEN: What that means is every three years a teacher has to have a
renewal of their license from TSPC, so at that point of renewal, the
amendments would require fingerprinting and criminal background checks.

050 REP. COURTNEY: Thank you. In effect that would basically bring into
the net a lot of teachers that are presently employed and were employed
before this bill began.

054 REP. LEWIS: Is there such a renewal type process for the classified
employees?

056 GREEN: There is not a renewal process for the classified employee.
They are not licensed individuals.

064 REP. LEWIS: That seems to contradict what Mr. Edwards said. I
understood him to say
that classified employees are checked again if they move from one school
district to another.

067 GREEN: Under the law they are checked only one time.

070 REP. PROZANSKI: I think Mr. Edwards was talking about under the rules
for classified
workers as compared to under the law. There is distinction between those
two.

072 GREEN: Gives example.

084 REP. COURTNEY: There is a certain fee bill in this legislature that
will roll back all fees to a
certain period of time. Is there a fee now charged to pay for these
fingerprint checks?

087 GREEN: Yes, there is a fee charged by the Department of Education and

TSPC.

089 REP. COURTNEY: What is that fee?

090 GREEN: I believe it is \$38 at TSPC and the Department of Education has a different fee schedule that Mr. Shannon may be able to tell you about.

092 SHANNON: We charge \$39.40 currently to classified employees.

095 REP. COURTNEY: So if the fees are rolled back to a certain date there would be no fee to pay for this program, is that correct?

094 SHANNON: The SB 333 does roll back those fees, however, I believe there are amendments to that bill.

099 REP. COURTNEY: There is another bill that relates to this bill.

101 GREEN: I know TSPC has concerns about that.

103 REP. COURTNEY: We did not general fund the bill that we passed last session.

113 MYTON: I would like to correct a couple of statements that were made that may be misleading. Discusses fees.

155 REP. LEWIS: Who currently pays the fee for this?

158 MYTON: Licensed people pay us directly on application for a license.

164 LEWIS: Does the person who wants to be a teacher and who applies for the license pay directly?

175 SHANNON: The bill allows the district to decide if the employee pays or if the district pays.
Some districts are having difficulty getting substitute people because of the salary they are paying and the low hours.

180 MYTON: Refers to [EXHIBIT E].

200 REP. COURTNEY: I'm disappointed the State Police are not here today. They are the ones that do the fingerprinting isn't that right?

204 MYTON: The State Police receive the prints but the prints are sent to us from all over the United States.

207 REP. COURTNEY: They process them then right?

210 MYTON: That is correct.

216 REP. COURTNEY: How long does it take you to get an answer on a criminal background check?

220 MYTON: An average of 60 days.

237 CHAIR TARNO: Who does the actual fingerprinting on the submitted cards?

240 MYTON: We accept fingerprints taken by police jurisdictions in any state or police jurisdictions or colleges or school districts in Oregon.

243 CHAIR TARNO: You're saying law enforcement and or employees of a college or university?

247 MYTON: We do require photo identification. We have a sealed envelope

and a form that the fingerprinter fills out so we have more than just the signature of the fingerprinter.

256 REP. COURTNEY: You feel you're free to do that because there is no specific statement in the law regarding that you not do that?

260 SHANNON: We received advise from our Attorney General. Discusses list of crimes.

273 REP. COURTNEY: Both of you have an Attorney General opinion. One opinion says list them and the other says don't list them.

279 MYTON: The law did direct the Board of Education to establish a list of crimes.

282 REP. COURTNEY: You chose not to establish a list because of another law, that's what you told us.

285 MYTON: I'm saying the law that established fingerprinting required the Board of Education to establish a list.

285 REP. COURTNEY: But the Attorney General told you not to because of another statute involving licensees, is that correct?

287 MYTON: The fingerprint law did not require TSPC to establish a list and when we looked at the wisdom of adopting an identical list with the Board of Education. At that point TSPC was advised that ORS 672.80 applies to TSPC but does not apply to classified employees.

295 CLOSES the PUBLIC HEARING on HB 2123
WORK SESSION on HB 2123

300 REP. COURTNEY: I support the renewal. I think the classified employee area has to be cleaned up.

314 ROBINSON: It might be advantageous to adopt the amendments that were brought to us by Rep. Parks and the Department of Education regarding state schools and the juvenile corrections programs and then request a fiscal impact statement while we're working on the classified employees.

322 REP. COURTNEY: Do you want to wait to get the fiscal impact?

326 REP. LEWIS: These are very clear.

334 MOTION: REP. COURTNEY: Moves to ADOPT HB 2123 -1 amendments.

340 CHAIR TARNO: Hearing no objections the MOTION CARRIES.

345 ROBINSON: Discusses HB 2123 -2 amendments.

355 MOTION: REP. COURTNEY: Moves to ADOPT HB 2123 -2 amendments.

361 CHAIR TARNO: Hearing no objections the MOTION CARRIES.

363 REP. COURTNEY: Someone will have to meet with Mr. Edwards to come up with the language for the classified employees.

371 ROBINSON: I would be happy to work with Mr. Edwards.

374 REP. GRISHAM: Rep. Courtney, is it your intent to establish some sort
of review for the
classifieds?

377 REP. COURTNEY: I don't know what to do right now.

387 CHAIR TARNO: Maybe we should wait and see what Mr. Edwards says.

389 REP. GRISHAM: We can request that he address that?

394 ROBINSON: Can you restate what it is you want him to address.

393 REP. GRISHAM: A review of the classified employees at some period of
time.

396 REP. COURTNEY: I don't think it's fair to treat the classifieds
differently than the teachers.

408 CHAIR TARNO: With nothing further from the committee the meeting is
adjourned at 9:30
A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debby Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed Amendments to HB 2123 - Rep. Parks - 1 page

B - Testimony HB 2123 - David Myton - 1 page

C - The School Administrator HB 2123 - 12 pages

D - Implementation of Fingerprint Requirements HB 2123 - Al Shannon - 3
pages

E - Statistics Oregon State Police HB 2123 - Al Shannon - 4 pages

F - Testimony HB 2212 - Rives Kistler - 2 pages

G - Amendments to HB 2212 - Rives Kistler - 1 page