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CONFERENCE COMMITTEE ON
SB 262B

June 1, 1995 Hearing Room H174
8:00 AM Tapes 1- 2

MEMBERS PRESENT:

Sen. Tom Hartung, Chair
Sen. Ken Baker
Rep. Dennis Luke
Rep. John Meek
Rep. Barbara Ross
Sen. Cliff Trow

STAFF PRESENT:

Fallie Calder, Administrator
Carolynn Gillson, Assistant

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 1A

010 CHAIR HARTUNG: Calls meeting to order.

WORK SESSION ON SB 262B

014 FALLIE CALDER, Committee Administrator: The SB 262-B25 (EXH. A)
amendment was requested by the Senate Education Committee for
consideration. It deletes Sec. 22 in SB 262B.

SEN. TROW: Likes the bill as it came from the Senate. Would like to have
language added by the House justified.

SEN. BAKER: Agrees with Sen. Trow.

REP. LUKE: Explains why the House put Sec. 22 into the bill.

REP. MEEK: Boundary changes come before the Legislature every session.
Believes reform is needed in how districts and residents get boundaries
changed. The amendment the House adopted limited the language to the area
of concern. Need to adopt language that is in consideration of Sec. 22.
Refers to -A26 amendment proposed by Rep. Tom Brian (EXH. B).

REP. ROSS: Need to solve problem in a way that does not adversely impact a
lot of other districts.

106 CALDER: The -A23 amendments (EXH. C) and -A24 amendments (D) were
drafted before the conference committee was named and are replaced by the
-A26 and -A27 amendments because those are conference committee amendments.

SEN. BAKER: Controversy is with last part of bill in Sec. 22.

REP. LUKE: Talks about granting Warm Springs their own ESD.
> Further discussion of county ESDs that stand by themselves.

185 REP. MEEK: The House side doesn't think the -B25 amendment is an option

195 JOE BARKOFSKY, Legislative Counsel: Talks about the -B26 amendments that specifically name the Tigard-Tualatin and Sherwood school districts.
> Oregon does not have a constitutional prohibition against all special and

local laws. Sec. 23, Art. IV specifies 14 different subject matters in which local and special laws are prohibited. This is not one of those 14 subject matters.

> No legal or constitutional difficulty with specifically naming the two districts.

REP. LUKE: Any advantage the -B27 have over -B26?

BARKOFSKY: Problem with -B27 is the population differences are so small you are just as well off to name the districts. There is no legal or constitutional difficulty with them.

230 GREG McMURDO, ODE: We don't have a position on this portion of the bill. Would like the Attorney General to look at what the conference committee adopts.

REP. LUKE: Why does the Attorney General need to look at this again?.

McMURDO: Does not want the Attorney General to find the bill unconstitutional at a later date.

258 REP. MEEK: Reviews what Sec. 22 does and refers to p. 11, line 43.

SEN. TROW: You are saying there shall be a transfer from one district to another in the affected area.

REP. MEEK: Refers to line 27. Apparently ESDs have not been willing to take a request from any single district in an area or from residents in an area and make a decision. Hopefully there will be language drafted that will expedite all future boundary changes.

CHAIR HARTUNG: Explains why the -B25 amendments were drafted.

328 REP. TOM BRIAN, District 9: Tried to resolve situation each session. Urges adoption of -B26 or -B27 amendment. Hopes for an interim review of issue.

SEN. TROW: Why tell the ESD what the decision should be? Just tell them to make a decision.

REP. BRIAN: Not aware of a disputed boundary being dissolved. Mechanism doesn't even work for the ESDs. This problem started with a developer and now it is kids and families. Now it is a personality dispute and financial issues.

TAPE 2A

006 SEN. BAKER: Can you give us a statewide view as to how ESDs have functioned regarding this issue? Have there been successful contested cases?

McMURDO: Feels Washington ESD has no discretion and no authority in this situation because the Legislature has not granted them the authority to do anything with these types of issue. Can't fault any ESD for not acting.

034 BILL HILL, Superintendent of Sherwood Public Schools: Reviews an interdistrict agreement draft to resolve the dispute (EXH. E) between the Tigard-Tualatin School District and the Sherwood School District. Arrangement to be approved at next board meeting.

REP. LUKE: This is not a neutral party.

HILL: Suggests expanding the oversight committee to five members and make the majority members from both affected districts. Continues explanation of the agreement.

> Both boards have agreed to this document and will follow through with it.

Don't agree with the amendments because of their huge economic impact.

134 SEN. BAKER: These agreements work with static populations. How are you going to address a growing population?

HILL: Talks about a bond that passed for new school construction.

> Continues to talk about the overall economic impact in terms of total assessed valuation.

> Issue is fairness to the children.

REP. MEEK: Talks about the situation. Need more ethical way to adjust boundaries on a regular basis in growing suburban areas. This needs a property boundary change.

218 REP. ROSS: Intergovernmental agreement good for exceptional circumstances but not in regular circumstances. Look at welfare of children. Agreement is good after boundary change is made but it does not solve the problem.

REP. LUKE: Don't like the Sherwood School District losing the tax base.

HILL: Exceptional reasons language under procedures in the agreement were added by members of the Tigard-Tualatin Board. Intent is to create the opportunity for students to have a commitment to where they want to go. Language was not designed to treat everything as an exceptional circumstance.

REP. ROSS: By responding to the wishes of parents, will you end up with half the students going to one district and the other half to the other. What protects us from that happening?

HILL: What you describe will be covered by exceptional reason language.

292 MOTION: Sen. Baker moves to adopt the -B26 amendment.

REP. MEEK: Can we have your understanding there will not be any legal challenges?

HILL: Board will not be extremely disappointed and cannot say they won't. This is \$200 million.

REP. LUKE: Refers to a letter where the developer proposed an exchange of land and it was rejected by the Sherwood School Board?

HILL: We never had any exchange of land presented to us.

339 REP. MEEK: Who would be affected if Sherwood challenges the law?

BARKOFFSKY: Need to know the basis underlying the challenge.

380 REP. MEEK: Refers to line 28, p. 11, Sec. 22.

BARKOFSKY: Explains how the language affects only the two school districts.

SEN. TROW: Adding the specific district names do not increase litigation.

430 HILL: Feels research done on the proposal is faulty and does not solve the problem. Urges committee to have confidence in the interagency agreement.

TAPE 1B

030 CHAIR HARTUNG: Not happy for the Legislature to serve as a school board.

MOTION ADOPTED: There are no objections.

MOTION: Rep. Meek moves to adopt the inference committee report on SB 262 -B26.

MOTION PASSES: In a roll call vote, the motion passes with all members voting AYE.

055 CHAIR HARTUNG: Adjourns meeting at 9:06 pm.

Reviewed and submitted by,

Carolynn Gillson
Committee Assistant

EXHIBIT SUMMARY:

A - SB 262-B25 Sen. Education Committee
B - SB 262-B26 Rep. Tom Brian
C - SB 262-B27 Rep. Tom Brian
D - SB 262B

Sherwood Sch. Dist.