

HOUSE COMMITTEE ON EDUCATION

June 3, 1993           Hearing Room E 1:30 p.m.   Tapes 90 - 93

MEMBERS PRESENT:   Rep. Carolyn Oakley, Chair Rep. Jim Whitty, Vice-Chair  
Rep. John Meek Rep. Patti Milne Rep. John Schoon Rep. Larry Sowa Rep.  
Sharon Wylie

STAFF PRESENT:           Linda Sample Brown, Administrator Carolynn  
Gillson, Assistant

MEASURES CONSIDERED:           HB 3342 - Extension of required  
transportation distances, WRK HB 3191 - Noncontiguous sch. dist.  
territory part of contiguous dist., PUB HB 3332 - Est. curriculum &  
instructional stds for sex ed courses, WRK HB 2095 - Sets std. for  
admiss. of underage children to Kindergarten, WRK

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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. [--- Unable To Translate Graphic  
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TAPE 90, SIDE A

004    REP. CAROLYN OAKLEY, Chair:   Calls meeting to order at 1:36 p.m.

Work Session on HB 3342

012    MARVIN EVANS, COSA: The HB 3342-3 amendment changes the mileage  
limits for transporting students in both elementary and secondary  
schools (EXH. A). > A fiscal statement (EXH. B) and a revenue statement  
(EXH. C) were provided on the bill.

MOTION:   Rep. Meek moves to adopt the HB 3342-3 amendments. > There is  
no objection. MOTION:   Rep. Meek moves HB 3342 as amended with a do pass  
recommendation. VOTE:   In a rollcall vote, the motion carries with Rep.  
Sowa voting NAY. Carrier:   Rep. Calouri

Public Hearing on HB 3191 Gina Houston, Jennings Lodge Organization Don  
Tank, Oregon City School District Terry Drake, Legislative Revenue  
Office Mike Vermillion, Gladstone School District Greg McCormick,  
Redland School District Roger Whitaker, Oregon City School Board member  
Kathleen Beaufait, Legislative Counsel

050    GINA HOUSTON, Jennings Lodge Organization for Quality Localized  
Education: The Jennings Lodge area is a small portion of the Oregon City  
School District but it is not contiguous with Oregon City. It is  
north of the Gladstone School District and south of the North Clackamas  
School District. > We have been trying for over seven years to find a  
solution whereby our children can go to neighborhood schools.  
Thirty-five years ago residents of Jennings Lodge voted to have their  
children go to Oregon City High School. Times have changed and new  
schools have been built in our area. > Three times Jennings Lodge has

turned in over 1,000 signatures asking for a boundary change. Today's school district boundaries do not make sense and need to be changed.

110 REP. JIM WHITTY: If the Oregon City, Gladstone and Redland people were going to meet to work out a resolution, would people in your organization be included?

HOUSTON: Probably not. HB 3191 was written with all parties in mind so they would get equal, fair treatment. > Explains how the bill would be good for the whole state because there are other island areas that are noncontiguous with surrounding school districts.

155 REP. JOHN SCHOON: When a group of students are in one school district and want to go to another school district, I am not aware there is anything that would prevent that from happening. > Talks about such a situation in the Jackson School District.

Testimony in opposition to HB 3191 was received from several people (EXH. D).

222 DON TANK, Superintendent, Oregon City School District: Reviews the Oregon City side of the conflict. Feels offering a choice plan will bring about a solution. Wants chance to make it work and does not need the Legislature to intervene.

325 REP. PATTI MILNE: What is the difference in funding between the current way it works, the choice plan and HB 3191?

TANK: The way it is now the funding goes with the student. It would not change under the choice plan.

347 TERRY DRAKE, Legislative Revenue Office: Refers to the preliminary impact statement (EXH. E) and points out that the current state-funded school system operates off of resident average daily membership (ADM). The money goes to the school district where the student resides. If a student is going to attend a school in a district they do not reside in, there is nothing in the statute requiring that the money follow the kid. Districts can agree to transfer the money. It can be accomplished but it is not guaranteed in the statutes.

REP. SCHOON: If the student does not attend school in their home district, that district does not get the money either.

DRAKE: Refers to Section 5 in the bill and explains what will happen between now and the 1997-98 cutoff date. Then the student will attend the school in the new districts that is created under the merger statute passed in 1991 (SB 917). > Explains the statute can be changed so the money follows the student in HB 3191.

TAPE 91, SIDE A

020 REP. SCHOON: Could Oregon City prevent state money from following a student who wants to attend Gladstone High School?

TANK: We already have a financial agreement between the districts. Space would be the only limitation.

REP. SCHOON: If Gladstone takes more students than you already have

from Jennings Lodge, would you let the money follow those students?

TANK: Yes, but I would ask for the same thing for the students who want to go to Oregon City.

056 REP. WHITTY: I can't believe the people from Jennings Lodge were not included in the group that decided on the choice plan. Their input might influence what you do.

090 CHAIR OAKLEY: Reads a statement requesting that the parties involved implement the choice plan and report back to the Legislature on their progress. A seven-member advisory committee would be set up and follow the guidelines outlined in her statement (EXH. F). Committee would like to see the choice plan work because it is fair to all sides.

151 MIKE VERMILLION, Gladstone School District: The proposed compromise allows us to pursue avenues for resolving the issues.

170 GREG McCORMICK, Redland School District: We are committed to the choice plan and we have based our merger on this idea. Only concerned about how it is determined which students go where.

182 REP. JOHN MEEK: What is the limited number of students each school can take?

McCORMICK: When we set up the lottery system, the intent was to maintain an even enrollment in both Gladstone and Redland districts.

VERMILLION: Right now we feel our capacity is at 900. We have 850 students today and expect to have between 880 and 890 students. Goes into further detail concerning the number of slots available.

237 CHAIR OAKLEY: Do we need to legislate that the dollars follow the students or is there an agreement between the three districts?

VERMILLION: It is our opinion we have that agreement and it is in writing.

CHAIR OAKLEY: Do Oregon City students have the option of going to Gladstone?

TANK: Under the current system, they would be the last priority. Redland students already at Gladstone are first priority and the island students are second. > There is further discussion on the number of students and priorities.

284 TANK: Oregon City favors a K-12 choice plan. We do not have a problem with a limit on the number of kids that go either direction. Favor having it ironclad so it cannot be cancelled for at least five years. > What if sufficient progress has not be made in one-and-one-half years when we are to report back to the Legislature? You can't give one person a set of rules and another a different set.

353 REP. SCHOON: If the bill had passed, how would you accommodate both Redland and Jennings Lodge students at Gladstone?

VERMILLION: We would have to build from 6 to 8 classrooms at the cost of approximately \$1 million. Talks about different scenerios.

403 TANK: Talks about impact on his district if they accommodated all the Redland students.

TAPE 90, SIDE B

013 HOUSTON: Disappointed this issue is not being taken care of this session but agrees the guidelines are good. Does not believe issue will ever be solved locally because of money and politics. > HB 3191 would not stop the choice plan from being implemented. The bill is their only guarantee the choice plan will not be pulled out from under them. > Understands that Oregon City High School is at capacity.

TANK: Reviews their campus enrollment and states that space is not a problem.

CHAIR OAKLEY: Talks about a proposal she received from Oregon City which calls for an election in the Jennings Lodge area allowing them to decide whether to go in with Gladstone (EXH. G). Could that still be done if we do not act on this bill?

TANK: The only way the bill would work is if it is a merger rather than a boundary change. Explains how the division of assets, liabilities and school personnel are handled differently in mergers than in boundary changes.

093 REP MEEK: How will Oregon City be hurt financially by this bill?

TANK: The difference between what we get from the state to run the schools and what it costs to educate the children in that area is \$1.3 million. Each year Oregon City would lose \$1.3 million in net operating costs. If we gain the 150 Redland students, we would lose \$600,000 instead of the \$1.3 million. We cut \$4.6 million out of this years budget. This does not address the assets and liabilities.

166 ROGER WHITAKER, Oregon City School Board member: A Jennings Lodge resident in favor of the choice plan.

CHAIR OAKLEY: Could Jennings Lodge merge with Gladstone without legislative direction?

220 KATHLEEN BEAUFIT, Legislative Counsel: If you want a procedure where only one of the affected areas votes, the Legislature would have to address it because the present law relating to boundary changes authorizes the districts and areas affected to file a remonstrance and thereby force an election.

REP. SCHOON: Would the merger or boundary change make a difference?

BEAUFIT: The merger law assumes there are two entities.

REP. SCHOON: There is no opportunity under law for the Jennings Lodge people to vote by themselves to leave one district and go to another. > Proposes amendment be drafted that permits Jennings Lodge to vote and the funding follows students.

293 REP. MEEK: Suggests the guidelines be drafted as an alternative.

REP. MILNE: There needs to be some teeth to it. A written agreement needs to be legally binding and if the dollars follow the students it should be defined.

340 CHAIR OAKLEY: If choice plan is not in a bill, how committed are you to carrying it out?

The three school superintendents talk about the choice plan, the guidelines and the proposed amendment.

360 Committee takes break.

Work Session on HB 3332

373 CHAIR OAKLEY: Refers to the HB 3332-2 amendment (EXH. H) which clears up some of the language that raised concerns at our last hearing on this bill. > A fiscal analysis is provided on HB 3332-2 (EXH. I). > Testimony opposing the bill and amendments is submitted by Planned Parenthood (EXH. J).

MOTION: Rep. Meek moves to adopt the HB 3332-2 amendment. > There are no objections. MOTION: Rep. Meek moves HB 3332-2 as amended to the floor with a do pass recommendation.

395 REP. WHITTY: Points out that teachers put their own priorities and personality into a class no matter what the curriculum is.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Excused: Rep. Wylie

TAPE 91, SIDE B

Work Session on HB 2095

018 CHAIR OAKLEY: Reviews what has happened so far on the bill and explains further amendments are being drafted concerning the TAG mandate which was included in the HB 2095-6 amendment (see EXH. M, 5-25).

046 CHRIS DUDLEY, executive director, OSB A: Provides copies of the 1992 Status Report on Special Education and Student Services in Oregon (EXH. K). > Reviews information on the TAG program. > Notes the DOE is not exactly providing the kind of support initially intended by the statute to implement the program adequately. > Emphasizes that currently there is no statewide funding available for districts to implement the TAG mandate. Refers to the standards expected of schools under the mandate. > No money appropriated by the state for staff development for TAG. > Since we do not support unfunded mandates, we believe the state should back off from the TAG mandate. > Less money appropriated per student for next year. Removing the mandate puts TAG on an even level with other programs. It does not take TAG programs away from schools.

106 OZZIE ROSE, COSA: Talks about drops in funding, inappropriate mandates and local decisions.

DUDLEY: Explains how allowing school districts to apply for waivers of the mandate will create more problems. Under HB 3565, we are suppose to be looking at different ways of developing and delivering curriculum. OSB A believes the same approach used for TAG kids should be used for all kids.

182 ROSE: Suggests implementing the amendment setting aside the

mandate and have it sunset in 1997 when school improvement is suppose to be fully implemented. TAG would become an obsolete issue. > The mandate is not being implemented at it's highest level in every school district.

250 CHAIR OAKLEY: Are there things the State Board can do to make the waiver process easier?

260 RUTH HEWETT, OSB E: Talks about waivers and TAG programs. > State has made tremendous gains in the education of children with special needs. If we were able to extend the same effort to all of our children we would have the best educated. Children would all have an individual education plan (IEP). It is the goal and dream of HB 3565.

328 GREG McMURDO, DOE: The issue concerning waivers in the minority report (lines 4-7) (see EXH. D, 6-1) is if the words "financial hardship" are broad enough so the Board can grant waivers it feels are necessary.

HEWETT: Suggests looking at criteria set by the State Board. Talks further about waivers.

CHAIR OAKLEY: Is financial hardship a good term to use?

McMURDO: It is a term the Board is use to dealing with when granting waivers from other programs.

364 REP. WHITTY: With the level of funding decreasing and the costs of the TAG program increasing, it would create a financial hardship for schools to continue the program and they would seek a waiver.

McMURDO: Under the HB 2095-8 amendments (see EXH. G, 6-1), the Board would be locked into granting a waiver. The State Board by rule would determine what a financial hardship is.

TAPE 92, SIDE A

004 KAREN BRAZEAU, DOE: Reviews how the TAG program got started and how it has been funded.

024 BOB SIEWERT, DOE: The TAG program has been on the books in Oregon since 1959.

BRAZEAU: The TAG mandate is about moving children through the school's curriculum as quickly as their ability allows them to go.  
SIEWERT: It started out as a district grant program. The Legislature adopted the mandate at the 1987 session.

REP. SCHOON: Where do the directions for TAG come from, is in statute, rule or what?

BRAZEAU: It is in both statute and in rule. The requirement is to move children at their level and rate. It is not to provide extra programming.

065 REP. WHITTY: The program began because some parents saw the need. It was not the school board and school administrators.

SIEWERT: Parents were the ones who recognized the need along with many educators who support the program.

BRAZEAU: We have full participation of all school districts.

102 REP. MEEK: What is the emphasis of the program today?

BRAZEAU: Math and science. There are minimal costs associated with testing the children for identification purposes, and the time necessary to develop an appropriate curriculum.

142 REP. MILNE: We are identifying these kids by using tests that are given to all students. How does that result in additional dollars and time?

BRAZEAU: We don't agree with the idea that most of the money was spent on testing.

REP. MILNE: The program is flexible from school-to-school so I don't see why it is such a cumbersome process. Maybe some districts are going beyond the expectation and it is costing additional dollars and staff time.

REP. WYLIE: Will there still be some funds available for teacher training?

BRAZEAU: Under the current Governor's budget, there are no state dollars for those activities. There is some money available through federal grants to supplement the general fund.

228 CHAIR OAKLEY: Refers to the DOE administrative rules for TAG (EXH. L). > Are there some things that can be done to make it easier for compliance and cut down on the costs?

SIEWERT: Explains why there are two sections of administrative rules concerning TAG. Some changes have been proposed for the 581-15-805-840 rules.

302 BRAZEAU: Talks about updating the rules that were around before the program was mandated. Reviews the differences between the division 15 and 22 rules.

REP. MILNE: It appears to me there is a big difference between the rules and what needs to be followed. It may be why some people think the program is burdensome and others have no problem with it.

BRAZEAU: It may be confusing to school districts that the rules are in two different sections but they are not contradictory. We are trying to find ways to make it less burdensome.

381 CHAIR OAKLEY: It looks like this process could be very time consuming if you follow the rules.

BRAZEAU: The rules were not changed because the DOE received complaints from COSA and OSB A that school districts should not have to follow a mandate without funding.

440 REP. MEEK: Talks about the funding information in the status report on TAG (see EXH. J).

McMURDO: Those are the amounts of money that were appropriated the Legislature for grant and aid projects. The difference will be the costs the school districts have picked up locally.

TAPE 93, SIDE A

030 REP. SCHOON: What are the requirements for a child who has tested high in math?

BRAZEAU: The TAG mandate requires districts to change and individualize for children. It is hard for districts to do that.

050 CHAIR OAKLEY: Will language in the HB 2095-MR7 amendment (see EXH. E, 6-1) address the waiver issue?

HEWETT: Talks about the Board's waiver process. It is not difficult to apply for. When the law was written, it was not intended for just academically gifted.

CHAIR OAKLEY: What type of recording are school districts required to do?

BRAZEAU: Once a year the districts identify the number of TAG children that they serve.

116 CHAIR OAKLEY: Since funding is a problem, and there are some parents who feel their children are not being fully served, I am concerned about the potential for lawsuits because of noncompliance with the mandate. What the Legislature do to help school districts?

McMURDO: Financial hardship is in current law and it enables the Board to grant waivers. We have not issued any waivers for not implementing the program. We have received three requests from school districts for extending the time to identify and begin the programs. Two of those have been granted. Refers to 581-22-403.

154 CHAIR OAKLEY: What happens if a school district feels it cannot continue their TAG program without funding?

McMURDO: Under current law, they would have to provide it. Under the HB 2095-MR7 amendments they can request a waiver.

195 REP. MILNE: Doesn't every parent want their student to proceed at their own level and rate. We need to make it easier for schools to provide the program and not easier to do away with it. It is what we expect of our schools. There seems to be a broad range of programs. The programs should not cost anything because the teachers are already expected to do what is required.

McMURDO: Agrees there are elaborate TAG programs and simple programs and all of them meet the standards required by the Board.

> A number of letters were sent to the committee opposing lifting of the TAG mandate (EXH. M).

242 CHAIR OAKLEY: Adjourns the meeting at 4:40 p.m.

Reviewed and submitted by:

Carolynn Gillson Assistant

EXHIBIT LOG: A - HB 3342-3 amendment - COSA & OSB A - 1 page B -



Fiscal analysis on HB 3342-3 - LFO - 1 page C - Revenue analysis on HB 3342-3 - LRO - 1 page D - Testimony on HB 3191 - several people - 20 pages E - Revenue analysis on HB 3191-1 - LRO - 1 page F - Statement concerning HB 3191 - Rep. Oakley - 2 pages G - Proposal concerning HB 3191 - Oregon City School District - 1 page H - HB 3332-2 amendment - committee staff - 2 pages I - Fiscal analysis on HB 3332-2 - LFO - 1 page J - Testimony on HB 3332 - Planned Parenthood Affiliates of Oregon - 1 page K - Testimony on HB 2095 - DOE - 8 pages L - Testimony on HB 2095 - DOE - 4 pages M - Testimony on HB 2095 - several people - 26 pages