

SENATE COMMITTEE ON EDUCATION

June 8, 1993            Hearing Room 343 3:15 p.m.    Tapes 77 - 78

MEMBERS PRESENT:    Sen. Catherine Webber, Chair Sen. Stan Bunn,  
Vice-Chair Sen. Ron Cease Sen. Shirley Gold Sen. Paul Phillips

STAFF PRESENT:            Lee Penny, Committee Administrator Julie Mušiz,  
Committee Assistant

MEASURES CONSIDERED:            HB 2062 - Relating to student records HB  
2091 - Relating to education HB 3337 - Relating to hair design  
certification HB 3099 - Relating to certain scholarship funds

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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 ---]

TAPE 77, SIDE A

007    CHAIR WEBBER:    Calls meeting to order at 3:25 p.m.

(Tape 77, Side A) HB 2062 - RELATING TO STUDENT RECORDS - PUBLIC HEARING  
WITNESSES:    Greg McMurdo, Department of Education Connie Bull,  
Department of Education Wilma        Wells,        Confederation        of  
Oregon School Administrators Melinda Grier, Department of Higher  
Education Jane Lesser, Oregon Student Lobby Victor Congleton, Children's  
Services Division

011 GREG MCMURDO, DEPARTMENT OF EDUCATION:    Introduces bill and  
discusses its intent.

022    CONNIE BULL, DEPARTMENT OF EDUCATION:    Reviews bill and its  
purpose.

LEE PENNY, COMMITTEE ADMINISTRATOR: Submits -A4 amendments, (EXHIBIT  
A). Submits copy of FERPA and memo from Legislative Counsel, (EXHIBITS  
G & H).

039    CHAIR WEBBER:    Asks consequences of failure to comply with FERPA.

Bull: All federal funds are withheld. Continues review of bill.

066 CHAIR WEBBER: Asks clarification of 5(3).

Bull: Being enrolled in a component of one school doesn't give the student rights that are transferable to another school within the institution. It applies to post-secondary education. Continues review of bill.

160 CHAIR WEBBER: In 6(6), a student isn't able to see their own treatment records?

Bull: If the student is over 18, treatment records aren't included in the definition of educational records under FERPA. Page 2, line 12, excludes those records.

CHAIR WEBBER: Is that standard procedure?

Bull: In K-12 schools, treatment records cannot be disclosed to a third party without the consent of the parent. However, the parents and the student have access to them. There may be other statutes governing those records for post-secondary education students.

215 CHAIR WEBBER: How does this bill fit in with SB 500?

McMurdo: There's not any conflict that we are aware of. Comments on 17 of the bill. This is a new tort.

235 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Supports bill. Does not disagree with 17.

280 MELINDA GRIER, DEPARTMENT OF HIGHER EDUCATION: Supports conforming state law to FERPA. Reviews -A4 amendments, (EXHIBIT A). Submits

testimony and hand-engrossed bill, (EXHIBITS B & C).

330 JANE LESSER, OREGON STUDENT LOBBY: Submits and reviews testimony, (EXHIBIT D). Opposes 9(7) of the bill and explains reason for

opposition to this provision.

373 Grier: Access to records are family matters that should be between students and parents. Continues review of amendments.

425 SEN. BUNN: The only remedy if you don't have private right of action is loss of funds. Doesn't feel that this is a good remedy.

Grier: Handles the releasing of records cautiously. Feels it is an adequate remedy. Is concerned with developing two sets of interpretations: the U.S. Department of Education is not bound by the

disclosure determined in the state courts. Tape 78, Side A

034 Grier: Responds to Sen. Webber's questions on higher education and treatment records.

060 VICTOR CONGLETON, CHILDREN'S SERVICES DIVISION: Suggests amendment to 13 that would include the reporting of child abuse and neglect.

(Tape 78, Side A) HB 2091 - RELATING TO EDUCATION - PUBLIC HEARING  
WITNESSES: Greg McMurdo, Department of Education Kathryn Wells  
Murdock, Department of Education Marv Evans, Confederation of Oregon  
School Administrators Jim Markee, Oregon Private Schools Association

075 GREG MCMURDO, DEPARTMENT OF EDUCATION: Reviews bill.

100 SEN. CEASE: There would be a civil penalty but no jail sentence?  
Would you levy that penalty each day?

McMurdo: The potential is a \$100 fine for each citation issued.

SEN. CEASE: How does it affect homeschooled children?

McMurdo: There is no enforcement for those children. Parents are  
required to give prior notice of homeschooling to the ESD and are  
required to pass set standards and test annually.

CHAIR WEBBER: If you violate the homeschool statute, you fall under  
this bill.

SEN. CEASE: If there is a child who doesn't come to school at all from  
the beginning of the year, how would you know that child exists?

McMurdo: The district would have no way of knowing. The law can't  
reach those children. Submits and reviews -A4 amendments, (EXHIBIT E).

160 JIM MARKEE, OREGON PRIVATE SCHOOLS ASSOCIATION: Supports  
amendments.

McMurdo: This will need to get to Ways and Means very soon so it  
doesn't hold our budget up.

177 MARV EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS:  
The compulsory attendance law doesn't work. This bill would be useful  
in

some typical cases.

208 CHAIR WEBBER: Is concerned with the repetitive nature of the  
fine.

Evans: There are many school attendance situations where this law would  
be unhelpful. Seeks flexibility in the law.

265 McMurdo: A reoccurring citation was not the intent of the draft.  
WORK SESSION

300 McMurdo: Discusses amendments and clarifies their purpose.

325 MOTION: SEN. BUNN moves -A4 amendments.

VOTE: Hearing no objection, so ordered.

330 MOTION: SEN. BUNN moves HB 2091 as amended with a  
recommendation that it be referred to Ways and Means.

VOTE: Motion passes (5-0).

(Tape 78, Side A) HB 3337 - RELATING TO HAIR DESIGN CERTIFICATION -  
PUBLIC HEARING WITNESSES: Jim Markee, Oregon  
Professional Cosmetologists Association Susan Wilson, Health  
Related Licensing Board of Barbers and Hairdressers Doug  
Collins, Oregon State Scholarship Commission Kathy Silke, Oregon State  
Scholarship Commission

350 JIM MARKEE, OREGON PROFESSIONAL COSMETOLOGISTS ASSOCIATION:  
Reviews bill.

433 CHAIR WEBBER: What is the rate of default?

DOUG COLLINS, OREGON STATE SCHOLARSHIP COMMISSION: Close to 20%.

CHAIR WEBBER: How does that compare to other professions?

Collins: Barber and hairdresser graduates are highest defaulters among  
the professional schools.

CHAIR WEBBER: What is the next highest?

Tape 77, Side B

030 Markee: Rep. Oakley drafted another bill that does this for  
all licensed professions statewide. This bill is sort of a pilot  
program.

SEN. BUNN: Has strong reservations. Is concerned about the financial  
situations of the defaulters -- if they cannot get a license then they  
cannot earn money. How do we avoid turning a licensing board into a  
collection agency?

058 Collins: A person who is up for a license renewal is put on  
probation if they are in default. It is a long probation period. This  
will not

take away their livelihood.

SEN. BUNN: Will the Scholarship Commission work with these people and  
make a reasonable payment plan? 067 KATHY SILKE, OREGON STATE

SCHOLARSHIP COMMISSION: We are allowing these people to enter into a payment plan before the license is revoked.

CHAIR WEBBER: If a school's default rate goes above a certain percentage then they lose their eligibility to grant student loans? What's that percentage?

Markee: Around 25%. Some of the schools are in jeopardy.

CHAIR WEBBER: Why are these students defaulting?

090 Collins: It's mostly due to lack of jobs. Many students appeal to our commission.

SEN. BUNN: If they can't get a job, then how will they live with an additional payment to make?

Silke: We can exclude people from the collections cycle if they are unable to pay. But someone who is renewing a license has the ability to be employed.

CHAIR WEBBER: Are there too many students going to school in this field and creating an over-flow job market?

Markee: Although the default rate is very high, beauty schools have a high placement rate. There are many jobs in this field. After this bill was publicized, suddenly people started calling in to start making payments on their loans.

155 CHAIR WEBBER: How do you track students who are in default?

Markee: We have another bill that would help the Scholarship Commission better track these students. Without access to Employment Division records it's difficult to tell where someone's working.

Silke: Discusses how post-default collections are handled. We don't control the student's choice of vocation. We are required to provide the loans if they meet the criteria.

CHAIR WEBBER: Requests background information on how many have defaulted, etc.

211 SUSAN WILSON, HEALTH RELATED LICENSING BOARD OF BARBERS AND HAIRDRESSERS: Submits testimony, (EXHIBIT F). We aren't trying to take

away people's livelihoods.

SEN. BUNN: Private institutions would never be able to pull someone's

license as part of their collections. Asks for better justification.

Collins: We're dealing with the impact of these defaults on the schools.

SEN. BUNN: The schools should do a better job of screening. Banks could argue the same thing.

280 Markee: These loans are made by private banks. There are federal requirements on the banks to make these loans if the student meets the

criteria. We've always treated money owed to the government differently.

Collins: The school can't deny the loan if the student is eligible.

330 CHAIR WEBBER: Where is the other bill that allows access into employment records?

Markee: In House Judiciary.

(Tape 77, Side A) HB 3099 - RELATING TO CERTAIN SCHOLARSHIP FUNDS - WORK SESSION

376 MOTION: SEN. BUNN moves HB 3099 to the floor with a do pass recommendation.

VOTE: Motion passes (3-0). Sen. Cease and Sen. Phillips are excused. Sen. Gold will lead the floor discussion.

CHAIR WEBBER: Adjourns meeting at 4:45 p.m.

Submitted by: Reviewed by:

Julie Mušiz  
Administrator

Lee Penny Assistant

EXHIBIT LOG:

A - HB 2062-A4 amendments - Department of Higher Education - 1 page B - Testimony on HB 2062 - Melinda Grier - 2 pages C - Hand-engrossed HB 2062 - Melinda Grier - 10 pages D - Testimony on HB 2062 - Jane Lesser - 1 page E - HB 2091-A4 amendments - Department of Education - 2 pages F - Testimony on HB 3337 - Sue Wilson - 1 page G - Memo on HB 2062 - Staff - 4 pages H - FERPA - Staff - 11 pages