

SENATE COMMITTEE ON EDUCATION

March 25, 1993      Hearing Room 343 3:00 p.m.      Tapes 42 - 43

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

MEMBER EXCUSED:    Sen. Paul Phillips

STAFF PRESENT:      Jan Bargaen, Committee Administrator Julie Mušiz,  
Committee Assistant

MEASURES CONSIDERED:            SB 519 - Relating to Department of  
Education SB 26 - Relating to education service districts SB 297 -  
Relating to the VISTO program SB    24    -    Relating    to    the  
cost      of      educating certain students

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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 42, SIDE A

004      CHAIR WEBBER:    Calls meeting to order at 3:22 p.m.

(Tape 42, Side A) SB 519 - RELATING TO DEPARTMENT OF EDUCATION - PUBLIC HEARING WITNESSES: Jon Stubenvoll, Oregon State Public Interest Research

Group Katy Eyman, Oregon Trial Lawyers Association Thom Thompson, Thompson & Associates Consultants Marvin            Evans,            Confederation of Oregon School Administrators

015 JON STUBENVOLL, OREGON STATE PUBLIC INTEREST RESEARCH GROUP: Submits and reviews written testimony and data, (EXHIBIT A).

050 SEN. BUNN: Why don't we develop an outcome-based process rather than a rules process? Wouldn't it be simpler to just say we want the

playgrounds safe and let them do it themselves?

060 Stubenvoll: The proposal submitted to the Department of Education is based on Federal Consumer Product Safety Commission guidelines. The

rule making process is the proper form to figure out the best way to get this safety result. Many school officials don't know how to make the

school grounds safer. With this proposal, we were able to give these officials some specific ideas on how to do this.

080 THOM THOMPSON, THOMPSON & ASSOCIATES CONSULTANTS: Old, dangerous equipment, poor surfacing, maintenance and supervision causes over 520 0 playground accidents a year. Every injury results in some kind of cost

-- medical, insurance, and litigation costs, as well as emotional suffering. Our recommendations are based on those accepted by Washington state. This is an educational issue. We need to provide the safest conditions possible. Submits playground safety report, (EXHIBIT B).

155 SEN. CEASE: Is this problem similar to the safety issue for the school buses? If the safety of playgrounds is as bad as you say, why haven't

the school authorities responded?

166 Thompson: Some of the problems have been dismissed, some of the standards are set outside the school. Maintenance is deferred on

play-sites. Insurance companies would rather insure a bus than a playground.

183 SEN. CEASE: Is most of that equipment bought by the school district or donated by parents and other civic groups?

186 Thompson: That varies from school to school. There are no standards being met at all.

192 SEN. BUNN: For the Department of Education and the local school district to protect themselves, they need to exclude the home-built

items because they don't meet the Safety Commission standards. As legislatures we often set laws and regulations with good intentions that end up having bad side effects by cutting off access.

211 Thompson: It's not our intent to cut out access.

213 SEN. BUNN: No one in this building wants to do bad things. But as a result of the good we do, we encumber people with the bad.

220 SEN. CEASE: I agree. This is something educators don't pay much attention to. Maybe we don't need regulations. We really need to get

the attention of school officials.

241 SEN. BUNN: I have a different perspective. It's not that the local schools don't care. It's difficult to get school equipment because it's not available. I'm afraid that some of the creative ways to get this

equipment will not be available anymore because of this action.

256 JAN BARGEN, COMMITTEE ADMINISTRATOR: A majority of the injuries are related to the surface the children fall on rather than the equipment.

Is there discussion about this in the text somewhere?

267 Thompson: Explains the pie chart on page 6, (EXHIBIT B). The children either fall to an inadequate surface or they hit something as they fall. The school district usually has the responsibility of purchasing and

installing the surfacing. Once the surface is put in, it's not maintained.

300 SEN. BUNN: I've represented many clients who wouldn't let resources be used because of the liability. There's got to be a better way to do

this. Unless we have more money, this will only create less facilities for children to play on.

319 CHAIR WEBBER: Doesn't the Risk Management team regulate this?

323 Thompson: Sometimes they do, other times they don't. No one knows who has the responsibility to check -- everyone thinks someone else will do it.

340 CHAIR WEBBER: So there is some mechanism for doing these checks?

341 Thompson: There is an infrastructure that exists making it possible to institute some common regulations. Each school district has its own

unique standard.

350 CHAIR WEBBER: I'm concerned with writing rules that are subject to change into statute.

360 Stubenvoll: It's not our intent to set that report in stone but rather to use it as a guideline.

366 CHAIR WEBBER: What is state-of-the-art changes. It may be different tomorrow.

369 Stubenvoll: The administrative rules of this state can be upgraded as needed.

373 CHAIR WEBBER: Is there anyone doing education on playground safety and prevention? Has there been an effort to do anything at the school board level?

383 Stubenvoll: I'm not aware with how widely this report has been distributed. I've talked to many school officials that would like this

information because they have none.

395 KATY EYMAN, OREGON TRIAL LAWYERS ASSOCIATION: This effort is part of the PTA agenda to increase the safety of playgrounds. Our overall goal

is the protection of the individual by avoiding injuries altogether. We have a result-oriented system currently; we should be preventing these

injuries before they happen. Discusses rules, (EXHIBIT A). These rules

are not restrictive. The equipment does not need to be manufactured; it could be put together by parents, etc. We only want the Department of

Education to develop some standards.

Tape 43, Side A

040 SEN. CEASE: Does the Department of Education have the authority to do that now?

042 Eyman: No.

044 SEN. CEASE: I find that hard to believe they don't have the authority to do that. It sounds like a cop-out.

050 CHAIR WEBBER: Everyone's concerned about playground safety and this coalition is a good idea. It seems to me that there may be other

solutions rather than rule-making decisions.

060 Eyman: Often time schools want to make things safer but they feel they don't have the authority to make these decisions. People working with

the playgrounds want this mandated.

071 SEN. CEASE: Some of these playgrounds really are pretty bad.

076 Bargaen: Submits letter from Sally McIntyre, (EXHIBIT C).

080 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Concerned with the safety of playgrounds but also with the approach of SB 519. We would like to do this as a last resort. There have not been many

problems in the schools I've been associated with. Safety issues are a priority in the budgeting process. We've always had standards for equipment and have inspected equipment provided and installed by parents. If you make the assumptions that people in schools care about the safety of children, then if they know the regulations they will do

them. We don't want to pass more bureaucratic regulations and processes.

130 SEN. CEASE: Just because teachers or administrators aren't doing something, it's not because they don't care but because of other

problems or other priorities.

141 Evans: Because of the liability issues, if a safety problem comes up, we must deal with it.

153 CHAIR WEBBER: There's obviously a problem somewhere. Do you have any suggestions?

158 Evans: Information would be very helpful.

166 CHAIR WEBBER: How do we get that information out to people?

168 Evans: Working through the State Department. I'm sure they have the authority.

177 CHAIR WEBBER: Is this ever a topic for seminars by your organization?

180 Evans: I'm not aware of it, but it could be.

(Tape 43, Side A) SB 297 - RELATING TO THE VISTO PROGRAM - WORK SESSION

189 Bargaen: Reviews SB 297.

214 MOTION: SEN. GOLD moves SB 297 to the floor with a do pass recommendation.

222 VOTE: Motion passes (4-0). Sen. Phillips is excused. Sen. Hamby will lead the floor discussion.

(Tape 43, Side A) SB 24 - RELATING TO THE COST OF EDUCATING CERTAIN STUDENTS - WORK SESSION

239 CHAIR WEBBER: Appoints Sen. Gold and self to work with Legislative Fiscal, Legislative Revenue, Department of Education and the bill

sponsors on a compromise for the bill.

(Tape 43, Side A) SB 26 - RELATING TO EDUCATION SERVICE DISTRICTS - WORK SESSION WITNESSES: Jeannette Hamby, Oregon State Senator, District 5 Terry Drake, Legislative Revenue Office Rose Otte, Senator Eugene Timms' Office Paul Snyder, Association of Oregon Counties Joyce Benjamin, Department of Education

268 Bargaen: Reviews packet of -8, -9, -10 amendments, (EXHIBIT D).

335 JEANNETTE HAMBY, OREGON STATE SENATOR, DISTRICT 5: Presents and reviews -9 amendments of packet, (EXHIBIT D).

368 SEN. CEASE: Most people don't know what these are or what

their function is.

383 HAMBY: That's correct.

391 SEN. CEASE: It's difficult to put this on the ballot when most people don't know what they are. If you don't have the chance of giving people knowledge, shouldn't we handle this on a different level?

400 HAMBY: Disagrees. People don't know about the ESDs because they are too far removed. Merger would make that worse.

425 SEN. CEASE: If you're dealing with something that not many know much about, then only the few people who have something to gain or to lose

would be making the campaign. How do you get real information to the people, then?

433 CHAIR WEBBER: Are you suggesting that Board members not be elected?

435 SEN. CEASE: In many cases, the fact that you have elected board members is meaningless. These vary tremendously from one part of the state to

another.

449 SEN. GOLD: Voters have the same opinion with state government services; they have little knowledge about them. The question before us is

whether those services are needed and what's the best method of delivering them.

Tape 42, Side B

040 HAMBY: Agrees. I think it should be a local decision as to what services the ESD provides. Reviews -9 amendments again.

073 SEN. CEASE: You've brought up some real issues about the relationship between the district, ESD and the state. The money's not raised at the

local level. It's 85% state money. We do need to maintain local control, but we need to make sure that it's cost-effective. The nature of what "local" is shifting.

097 HAMBY: The local school district decisions might be to remain with the ESDs. There is a component of local property taxes as well.

113 SEN. CEASE: The Committee is having a hard time resolving this issue as well.

115 SEN. BUNN: We need to answer the question of whether we want to get rid of the ESDs or modify them. I'm bothered that you're not addressing

this. We are in a good legislative opportunity to answer this question. Your suggestion is more of a patchwork decision rather than clearly answering the question.

135 HAMBY: Challenges Committee to investigate whether there is a more cost-effective way of delivering the same or better services.

154 SEN. BUNN: In terms of the overall state interests, a large district moving away from the ESDs could decimate the whole process.

165 HAMBY: Thinks a better system will come with it.

180 SEN. GOLD: The question you were referring to had to do with accountability. That exists at all levels. In a few years, the state

will be funding more than 75% of this. Yet I'm still very concerned about local control.

219 HAMBY: As a state, we have no accountability as to how those ESD dollars are spent.

233 TERRY DRAKE, LEGISLATIVE REVENUE OFFICE: You've raised a fundamental question. Discusses funding options. The question on whether the state

should control ESDs to be compatible with the K-12 system or whether they should funnel the money through the K-12 system so it feeds back to the ESDs will keep coming back to you.

270 SEN. BUNN: Suppose we want to look at both of those models. If you just give all the money to the independent schools how do you get the

collaborate effort needed to get economies of scale?

283 Drake: That's an economic risk. You might try to do both at the same time by providing some funding base to the ESDs.

305 SEN. BUNN: ESDs are short of money like everyone else. The only services they provide are the ones that essentially need the

collaboration. If you shift the money, how are the smaller schools do those joint efforts?

319 Drake: I don't have a solution for that. There are risks on either level.

328 CHAIR WEBBER: There are differences both in size and in geography.

336 Drake: There's a huge range of levels of services and resources. As you go towards equalizing the K-12, you'll need to modify or defend

those services.

351 CHAIR WEBBER: Please explain funding distribution in HB 2437.

358 Drake: K-12 is a proportional change. ESDs are continued on a percentage replacement. From current service levels, you're working

with an under-funded system. Submits ESD funding levels, (EXHIBIT E).

427 ROSE OTTE, SENATOR EUGENE TIMMS' OFFICE: Sen. Timms is opposed to SB 26. Submits and reviews written testimony and proposed amendment,

(EXHIBIT F).

494 CHAIR WEBBER: How long is it to drive from Klamath Falls to the remote districts in Lake county?

Tape 43, Side B

034 Otte: It can be as much as 4 hours. Continues review of written testimony and proposed amendment.

050 Bargaen: Reviews Sen. Bunn's proposed amendments, (EXHIBIT H).

080 PAUL SNYDER, ASSOCIATION OF OREGON COUNTIES: Reviews -10 amendments of packet, (EXHIBIT D), and indicates support.

095 JOYCE BENJAMIN, DEPARTMENT OF EDUCATION: We have no problems with the new language in the -8 amendments.

112 Bargaen: Submits written testimony from Wilma Wells, (EXHIBIT G).

115 CHAIR WEBBER: Adjourns meeting at 4:55 p.m.

Submitted by:

Reviewed by:

Julie Mušiz  
Administrator

Jan Bargaen Assistant

#### EXHIBIT LOG:

A - Testimony on SB 519 - Jon Stubenvoll - 50 pages B - Playground safety report - Thom Thompson - 31 pages C - Testimony on SB 519 - Sally McIntyre - 1 page D - Packet of -8, -9, -10 amendments for SB 26 - Staff - 46 pages E - ESD funding levels - Terry Drake - 1 page F - Testimony on SB 26 - Sen. Timms - 2 pages G - Testimony on SB 26 - Wilma Wells - 2 pages H - Proposed amendments for SB 26 - Sen. Bunn - 1 page