

SENATE COMMITTEE ON EDUCATION

April 1, 1993 Hearing Room 343 3:15 p.m. Tapes 46 - 48

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

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

MEASURES CONSIDERED: SB 881 - Relating to the Juvenile
Corrections Education Program SB 24 - Relating to the costs
of educating certain students SB 26 - Relating to education service
districts SB 119 - Relating to certain state agencies SB 121 -
Relating to Department of Workforce Development and
Community Colleges SB 298 - Relating to higher education

[--- Unable To Translate Graphic ---]

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 46, SIDE A

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

(Tape 46, Side A) SB 881 - RELATING TO THE JUVENILE CORRECTIONS
EDUCATION PROGRAM - PUBLIC HEARING WITNESSES: Roz Slovic,
University of Oregon Holly Miles, State Advisory Council
for Career and Vocational Education Rick Hill, Children Services
Division Ken Jones, Legislative Fiscal Office Greg McMurdo, Department
of Education Karen Brazeau, Department of Education

030 ROZ SLOVIC, UNIVERSITY OF OREGON: Submits and reviews
written testimony, (EXHIBIT A).

100 CHAIR WEBBER: Is there an issue with compliance with federal
law? 103 Slovic: Yes, I think there is. When there are IEPs for
students with disabilities, those IEP goals need to be met. That's not
always the

case at MacLaren and Hillcrest. It's also important for surrogate
parents to attend IEP meetings; that's not happening.

117 CHAIR WEBBER: When a child is taken into custody, either that
parent or a surrogate parent has to be appointed to act on their behalf
with IEPs?

120 Slovic: That's correct.

121 CHAIR WEBBER: How is that surrogate appointed?

123 Slovic: There's usually one person that serves as surrogate for the majority of the students at McLaren.

129 SEN. CEASE: Why hasn't this been done previously?

131 CHAIR WEBBER: I think this is a money issue, but we can ask. Are there other categories that students can get IEPs for that aren't listed on

page 4 of the bill?

138 Slovic: Yes. That's a regional program list. Regional programs typically don't provide services and supports to students with

disabilities.

145 CHAIR WEBBER: Learning disabilities is a special education need?

146 Slovic: Yes.

148 HOLLY MILES, STATE ADVISORY COUNCIL FOR CAREER AND VOCATIONAL EDUCATION: Submits and reviews written testimony, (EXHIBIT B).

175 CHAIR WEBBER: You referred to a November report?

177 Miles: It wasn't a written report, we were just reviewing all the correction education programs. There's been a lot of interest in what

things the Council could participate in that would improve the education process.

186 CHAIR WEBBER: Did you have any observations on the technical parts of the program that resulted from that review?

190 Miles: One percent of the money targeted for these programs is set aside for technical education. A review was to take place last biennium of all the professional/technical education programs. We're waiting to

get that review. The study is contracted out to Chemeketa Community College. I will pass the report on to you when we get it.

215 RICK HILL, CHILDREN SERVICES DIVISION: Submits and reviews written testimony including proposed amendment, (EXHIBIT C).

264 KEN JONES, LEGISLATIVE FISCAL OFFICE: Reviews cost estimates of SB 881, (EXHIBIT D). 370 GREG MCMURDO, DEPARTMENT OF EDUCATION: Supports SB 881 with sufficient funding. We do not support this bill if it contains a mandatory

advisory committee. Traditionally the Department has opposed a transfer of these programs under prior Superintendents. Last session, the bill

did not get out of committee primarily for fiscal reasons.

433 KAREN BRAZEAU, DEPARTMENT OF EDUCATION: Section 6 troubles me. The disabilities listed in the bill are not reflective of the kinds of

disabilities that are in those facilities. Suggests amending the bill.

444 SEN. CEASE: How would you change that?

448 Brazeau: We need language that says the schools could purchase services from the ESD or any other service providers for the children with

disabilities.

468 SEN. CEASE: How do you provide the kind of input proposed here without the advisory committee?

476 McMurdo: We object to the mandatory language. That does not mean the Superintendent wouldn't appoint an advisory committee. There is a blank on the effective date of the transfer. That should probably be July 1

of the next fiscal year.

(Tape 47, Side A) SB 26 - RELATING TO EDUCATION SERVICE DISTRICTS - WORK SESSION WITNESSES: Eugene Timms, Oregon State Senator, District 30

052 EUGENE TIMMS, OREGON STATE SENATOR, DISTRICT 30: I would like the Malheur and Harney ESDs to remain as they are without consolidation. I

also want to make sure that Lake County is properly served since they

won't be able to keep their ESD. There are a lot of people in the rural part of the state that are very sensitive to what we're doing with the

ESDs.

099 CHAIR WEBBER: We had testimony from Lake County. There are concerns when a larger county annexes with a small county. We want to make sure

Lake County's good work continues.

105 SEN. PHILLIPS: Harney and Malheur aren't going into Baker, right?

108 CHAIR WEBBER: That's the proposal we're looking at.

109 SEN. PHILLIPS: Would you support that?

110 SEN. TIMMS: Yes.

111 SEN. PHILLIPS: Does it make more sense to put Malheur, Harney and Lake together than putting Lake and Klamath together?

112 SEN. TIMMS: It's a long drive between Lakeview and Ontario. I think we can do a better job of keeping those services in those local

areas as

they are currently.

125 SEN. PHILLIPS: There needs to be some geographic sensitivity. Thinks putting Lake in the lead of Klamath is a very good suggestion. We have

to configure a system with geographic sensitivity. Just because one county has a larger population, doesn't mean it can run the ESD better.

142 SEN. CEASE: We obviously would have more options if Klamath was an ESD, but we have to annex it. Annexing to Lake makes more sense than the

alternatives.

149 SEN. TIMMS: I have to agree. I'll be interested to see what we gain from this, since all people are receiving these services already.

155 CHAIR WEBBER: We all will. This appears to be a better way to go.

160 SEN. TIMMS: We've made some dramatic changes in Harney County. We have to move ahead to make education better. I hope what we're doing here

will do that.

(Tape 47, Side A) SB 24 - RELATING TO THE COSTS OF EDUCATING CERTAIN STUDENTS - WORK SESSION

174 CHAIR WEBBER: There was a workgroup on this bill earlier this week; it has made a recommendation that because the private child care agencies

are in the budget and they seem to be in a good position, we shouldn't take action on that part of the bill. There is no money for the Youth Care Centers currently. HB 2061 will take care of the issues of the bill-back and which is the attending school district. The final issue is whether the youth care center children should be exempted from the 11% special education cap. Sen. Gold has agreed to bring this up in the Revenue Committee. We will send a letter from this Committee recommending this exemption.

217 SEN. GOLD: We're referring to HB 2437, which is the funding formula bill.

225 CHAIR WEBBER: We will recommend this action in a letter to the Revenue Committee. There is a fourth issue on how to guarantee the youth care

center children's needs are met. In the interim, we should take a

closer look at this issue. The Department has made a commitment to work with the youth care centers should any difficulties arise.

(Tape 47, Side A) SB 298 - RELATING TO HIGHER EDUCATION - PUBLIC HEARING
WITNESSES: Shirley Clark, Vice Chancellor for Academic Affairs
Jeannette Hamby, Oregon State Senator, District 5

287 SHIRLEY CLARK, VICE CHANCELLOR FOR ACADEMIC AFFAIRS: We are concerned with section 1, parts 5a-b, which pertains to the faculty ranking system and sexual harassment, and section 2 which prohibits graduate teaching

assistants from teaching courses. Submits faculty workload and profiles, (EXHIBITS E, F & G). Isn't clear what the problem is that the bill's faculty ranking system is supposed to solve.

411 SEN. CEASE: Asks Sen. Hamby to give a better idea of the bill's intent. It's reprehensible to think that a faculty member would use his/her

position to elicit sexual favors from a student. However, most students are 18 or older and can take care of themselves as adults.

Tape 46, Side B

025 JEANNETTE HAMBY, OREGON STATE SENATOR, DISTRICT 5: Submits and reviews written testimony and exhibits, (EXHIBIT H).

202 SEN. CEASE: You made a statement that the emphasis on research doesn't happen at the private institutions, only at the public ones. I don't

know where you got that. It's not factual.

217 SEN. HAMBY: I'm talking about Oregon.

219 SEN. CEASE: We don't have any large private research institutions in this state.

220 SEN. HAMBY: Continues review of presented materials, (EXHIBIT H).

253 SEN. CEASE: Some of these problems are real. This bill doesn't get at them. Having a policy statement prohibiting sexual harassment won't

solve it. Most of these students are over 18. There needs to be stronger codes of behavior. All institutions have these codes, but they are not enforced as rigorously as they should be. This bill cannot be enforced. Why are you prohibiting this when they are consenting adults? Why didn't you try to have more enforcement of these controls?

303 SEN. HAMBY: I could propose an amendment addressing this concern using a power test. Most students that contacted me regarding the age factor

were older than 21. This is behavior that took place in a power situation.

313 SEN. CEASE: We need to get at that, but this isn't the way.

317 SEN. HAMBY: I didn't think that this bill would be heard. I requested it because some student requested it. Welcomes amendments. I think

this is important.

343 SEN. CEASE: In large universities, people who are very good at teaching don't get adequately recognized. If you distinguished between research

and teaching, it would only hurt teaching more. This will drive the institution more in the direction of research because that is where the money is. You don't make any money on teaching. If the desire is to improve teaching, this isn't the way. The use of teaching assistants is abused at times, but it gives the student the opportunity to teach or do research. Prohibiting them altogether would be a mistake.

423 SEN. HAMBY: We are not going to prohibit them altogether. There is a diversity of workloads between disciplines and institutions.

437 SEN. CEASE: We vary because faculty vary in what they do.

447 SEN. HAMBY: Some of the more frequent complaints regarding TAs came from the University of Oregon computer science program. I want the

Board of Higher Education to investigate.

462 SEN. CEASE: We should find a better way to do it. The use of TAs is in some cases abused. We have to reward people more often for teaching.

480 CHAIR WEBBER: I don't think Sen. Hamby intended this bill to move but rather to raise the issue and find out if there is any substance to the issue.

486 SEN. CEASE: There is some substance to this issue.

Tape 47, Side B

038 CHAIR WEBBER: Thinks the time spent on service activities should also be evaluated.

043 SEN. CEASE: We're being inconsistent. We can't recognize the diversity from institutions and disciplines and then set by law percentages on how time should be spent.

047 SEN. HAMBY: The bill doesn't intend to set by law.

051 SEN. PHILLIPS: The goal is to investigate how the Board is adopting and addressing some of these issues. Maybe the best way to go about that is to look at these issues raised in the bill, communicate

those to the

Board and ask for a response back. That way we may get more substantive material for us to review and decide where to go in the Interim. My suspicion is that many of these policies and procedures already exist.

072 SEN. HAMBY: If you'd like, I'll have some of the students contact you directly.

073 SEN. CEASE: I've also had students who have complained. I know that there are problems in this area.

Public Hearing on SB 298 re-opens on page 7.

(Tape 47, Side B) SB 121 - RELATING TO DEPARTMENT OF WORKFORCE DEVELOPMENT AND COMMUNITY COLLEGES - WORK SESSION

080 MOTION: CHAIR WEBBER moves SB 121 to the Trade and Economic Development Committee with no recommendation as to

passage and with a letter of explanation.

107 SEN. CEASE: I have no problem with the motion if there is a memo that relates the concerns of the Committee. I'm bothered with removing the

Workforce Quality Council from the Governor's office. This bill creates another unit in the Department of Education and puts two different units together. It's not clear that the money to finance this will be provided so it can effectively operate. We don't have enough answers that are

needed before we can decide on the best approach.

131 CHAIR WEBBER: My concern is creating and pulling together a new agency in the Department of Education. We see a need for the coordination of

these programs and a need to strengthen it, but we aren't ready to move a bill that would create another formal organization. The Trade and

Economic Development Committee would be in a better position to find a preferable way to pull this organization together.

146 SEN. CEASE: There may be nothing wrong with where these entities currently are, if there was an effective coordinating devise. The issue that concerns me is if we're putting an emphasis on workforce training

then we need a lead agency to do it. There's no solid reason to move the Workforce Quality Council. We need to make clear that there needs to be some coordination of these activities; whether they all have to physically be in one location is another question.

170 VOTE: Motion passes (4-0). Sen. Bunn is excused.

(Tape 47, Side B) SB 298 - RELATING TO HIGHER EDUCATION - PUBLIC HEARING
WITNESSES: Patricia Muir, Assistant Professor, Oregon State University
Craig Wollner, Professor, Portland State University
Ray Weldon, Assistant Professor, University of Oregon
Jennifer Cole-Small, Graduate Teaching Fellow, University of Oregon
Moirira Demsey, Graduate Teaching Assistant, Oregon State University
Melinda Grier, Oregon State System of Higher Education
Thomas Maresh, Dean, Graduate School at Oregon State University
Steadman Upham, University of Oregon
Brad Fields, Oregon Student Lobby
Ann Weikel, American Association of University Professors

185 PATRICIA MUIR, ASSISTANT PROFESSOR, OREGON STATE UNIVERSITY: I would like to address the part of the bill that distinguishes between teaching and research faculty. If I were either only to teach or do research, I

wouldn't do as an effective job as doing the two together. This is because I am able to stay up-to-date on the information I teach; I have more enthusiasm for my subject; students are able to be employed in my lab and get hands-on experience in the subject area; equipment can be used for both instructional and research purposes; I make connections with other professionals in my field while doing my research that in turn help my students; I am able to help students with grant writing; students expect their professors to research.

295 CRAIG WOLLNER, PROFESSOR, PORTLAND STATE UNIVERSITY: Concur with previous testimony. I am currently involved in a grant project. Last

year, I had none of the information that I've acquired doing this research. The separation of teaching and research is potentially very destructive. Submits written testimony, (EXHIBIT I).

330 RAY WELDON, ASSISTANT PROFESSOR, UNIVERSITY OF OREGON: Gives anecdotal example of how student-assisted research (such as earthquake research)

is important to the state. I teach a practical and exciting class instead of simply reciting from an out-of-date textbook. It allows students and faculty to be more productive. It would be a disaster to separate the two.

420 JENNIFER COLE-SMALL, GRADUATE TEACHING FELLOW, UNIVERSITY OF OREGON: Is concerned with the language in the bill that wouldn't permit credit for courses taught by students. Students are aware that they are being

taught by a Graduate Teaching Fellow (GTF) when they register. Is fully

qualified; works closely with faculty supervisor. GTFs are fully trained, evaluated, and supervised. Without my employment at the UO, I would not be able to pursue my studies.

Tape 48, Side A

029 MOIRA DEMSEY, GRADUATE TEACHING ASSISTANT, OREGON STATE UNIVERSITY: Submits and summarizes written testimony on teaching assistant

preparation, (EXHIBIT L). Stands in opposition to SB 298.

050 MELINDA GRIER, OREGON STATE SYSTEM OF HIGHER EDUCATION: Speaks to the sexual harassment aspect of SB 298. The Board of Higher Education and

the administration of the institutions recognize this is a serious problem. OSSHE has defined and prohibited sexual harassment since 1979. Submits institution statements and pamphlets concerning sexual harassment policy, (EXHIBIT M). We are going to continue to work on this problem.

088 THOMAS MARESH, DEAN, GRADUATE SCHOOL AT OREGON STATE UNIVERSITY: Submits written testimony and Graduate Teaching Assistant training

information for the record, (EXHIBITS N & O).

090 STEADMAN UPHAM, UNIVERSITY OF OREGON: Submits Graduate Teaching Fellow booklet and written materials for the record, (EXHIBITS J & K). The

GTFs on campus have been unionized since 1975. The relationship between the union and the University is very structured, including supervision and evaluation. The written material I've submitted speaks to those issues.

098 BRAD FIELDS, OREGON STUDENT LOBBY: Submits and summarizes written testimony in opposition to SB 298, (EXHIBIT P).

143 ANN WEIKEL, AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS: Submits written testimony in opposition to SB 298, (EXHIBIT Q).

155 CHAIR WEBBER: Enters written testimony from Oregon Federation of Teachers (EXHIBIT R) for the record.

CHAIR WEBBER: Adjourns meeting at 5:30 p.m.

Submitted by:

Reviewed by:

Julie Mušiz

Lee Penny Assistant Administrator

EXHIBIT LOG:

A - Testimony on SB 881 - Roz Slovic - 2 pages B - Testimony on SB 881
- Holly Miles - 1 page C - Testimony on SB 881 - Rick Hill - 2 pages D
- Testimony on SB 881 - Kenneth Jones - 1 page E - OSSHE faculty
workload - Shirley Clark - 4 pages F - Faculty workload report -
Shirley Clark - 22 pages G - Faculty profiles - Shirley Clark - 63
pages H - Testimony on SB 298 - Sen. Hamby - 24 pages I - Testimony on
SB 298 - Craig Wollner - 2 pages J - GTF booklet - Steadman Upham - 33
pages K - Testimony on SB 298 - Steadman Upham - 6 pages L - Testimony
on SB 298 - Moira Dempsey - 2 pages M - Testimony on SB 298 - Melinda
Grier - 8 pages N - Testimony on SB 298 - Tom Maresh - 3 pages O - GTF
training information - Tom Maresh - 9 pages P - Testimony on SB 298 -
Brad Fields - 2 pages Q - Testimony on SB 298 - Ann Weikel - 2 pages R
- Testimony on SB 298 - Robert Duehmig - 2 pages