

SENATE COMMITTEE ON EDUCATION

April 13, 1993 Hearing Room 343 3:15 p.m. Tapes 51 - 52

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 2061 - Relating to education SB 428 -
Relating to education SB 436 - Relating to education SB 655 - Relating
to institutions SB 16 - Relating to teachers SB 1098 - Relating
to Teacher Standards and Practices Commission

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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 51, SIDE A

005 CHAIR WEBBER: Calls meeting to order at 3:20 p.m.

(Tape 51, Side A) HB 2061 - RELATING TO EDUCATION - WORK SESSION

010 CHAIR WEBBER: The LC -A8 amendments are in the members'
packets, (EXHIBIT A).

020 LEE PENNY, COMMITTEE ADMINISTRATOR: Reviews bill and amendments.

057 MOTION: CHAIR WEBBER moves -A8 amendments.

VOTE: Hearing no objection, so ordered.

060 MOTION: CHAIR WEBBER moves HB 2061-A to the floor as amended with
a do pass recommendation.

VOTE: Motion passes (5-0). Sen. Cease will lead the
floor discussion. (Tape 51, Side A) SB 428 - RELATING TO EDUCATION -
WORK SESSION WITNESSES: John Danielson, Oregon Education Association

075 JOHN DANIELSON, OREGON EDUCATION ASSOCIATION: Reviews bill and
LC -2 amendments, (EXHIBIT B). There is one error in the amendments: on
page

3, line 5, ORS 342.865 should read ORS 342.805.

110 MOTION: SEN. CEASE moves the LC -2 amendments with the

suggested change.

VOTE: Hearing no objection, so ordered.

MOTION: SEN. CEASE moves SB 428 to the floor as amended with a do pass recommendation.

VOTE: Motion passes (5-0). Sen. Gold will lead the floor discussion.

(Tape 51, Side A) SB 436 - RELATING TO EDUCATION - WORK SESSION

140 Penny: Reviews bill.

149 MOTION: CHAIR WEBBER moves SB 436 to the floor with a do pass recommendation.

VOTE: Motion passes (5-0). Sen. Webber will lead the floor discussion.

(Tape 51, Side A) SB 655 - RELATING TO INSTITUTIONS - PUBLIC HEARING
WITNESSES: Melinda Grier, Oregon State System of Higher Education
Robert Duehmig, Oregon Federation of Teachers, Education
and Health Professionals Jane Lesser, Oregon Student Lobby Larry
Williams, Oregon Federation of Teachers, Education and
Health Professionals

172 Penny: Submits letter from Sen. Kerans, (EXHIBIT E).

185 MELINDA GRIER, OREGON STATE SYSTEM OF HIGHER EDUCATION:
Submits and reviews administrative rules on residency, (EXHIBIT F).
Discusses

history of the residency issue. Oregon taxpayers should only be paying for Oregon residents to receive in-state tuition. The Board is concerned that intervention by SB 655 will undermine the comprehensive residency policy developed by the Board. Reviews bill. We view this a fee issue, not a residency issue. We would prefer to take this through our normal collective bargaining procedures.

269 CHAIR WEBBER: What is the purpose for not charging tuition for second year out-of-state, non-teaching students?

272 Grier: I assume it's so that if students decide they can't or don't want to teach any more, they will be financially eased into paying tuition.

280 CHAIR WEBBER: The fiscal impact statement, (EXHIBIT G), says that 5% (88) of the students would choose to do that, causing a loss of over

half a million dollars per biennium in tuition fees. Is there a policy

reason that I'm missing?

286 Grier: I suspect that the policy reason is a concern for students. I think this is an attempt to reduce the effect of out-of-state tuition on one small population.

297 SEN. CEASE: Will all graduate assistants be paying in-state tuition?

300 Grier: No, tuition is waived for graduate assistants.

302 SEN. CEASE: What about teaching assistants?

304 Grier: Same.

306 SEN. CEASE: The policy is that when they are teaching or being an assistant of some kind, they are performing a service to the institution and are therefor given a stipend.

309 Grier: Yes.

312 SEN. CEASE: So if they quit for a year and are waived out-of-state tuition, what would happen the year after that?

316 Grier: They would pay the full non-resident rate. That's why we view this not as a residency bill, but a fee bill.

323 SEN. CEASE: About the second issue, what happens to those students who leave the state and attend a public out-of-state school?

335 Grier: If a student applied for residency under these circumstances, we would look at whether the student is financially dependent on in-state

residents. If the student is financially independent, we would check to see if they abandoned their Oregon residency when they moved out-of-state.

370 CHAIR WEBBER: Legislative Fiscal didn't do an impact on the second part of the bill. Do you have one?

372 Grier: It's difficult to evaluate that. If we estimate that about 100 students fit into that category, there would be an annual loss of

\$450,000.

395 ROBERT DUEHMIG, OREGON FEDERATION OF TEACHERS, EDUCATION AND HEALTH PROFESSIONALS: Submits and summarizes written testimony in support of

SB 655, (EXHIBIT H).

470 LARRY WILLIAMS, OREGON FEDERATION OF TEACHERS, EDUCATION AND HEALTH PROFESSIONALS: This situation arises when someone is working on a

qualifying exam or a dissertation. There may be times when a graduate

student can't teach and work on a dissertation at the same time.

496 CHAIR WEBBER: Why not?

497 Williams: It takes a considerable amount of time to have full responsibility for a course.

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040 SEN. CEASE: I find that convincing. The real issue is whether this should be a matter of state law or a policy issue addressed by the

institution.

047 Williams: In regards to the bargaining issue, this is not something that would realistically fall under our contract provisions.

055 SEN. CEASE: If the out-of-state student is a graduate assistant who has completed all the course work except for the dissertation and then

subsequently chooses to work full-time on the dissertation, they would at that point have to pick up the full out-of-state tuition?

063 Williams: As I understand it, yes.

070 CHAIR WEBBER: How many courses do they typically teach?

072 Williams: Usually only one. But there is more responsibility and more work to be teaching a class for the first time.

078 SEN. CEASE: They would be taking graduate level courses as well. I think the issue on what happens during that dissertation year is

something we need more information on.

085 SEN. GOLD: Is there a commitment that this will this be taken up as a policy issue?

088 CHAIR WEBBER: It's been suggested.

089 SEN. GOLD: Sen. Kerans had understood that this would be worked out as a policy issue. He may have misunderstood. We should know this before

we make this decision.

095 CHAIR WEBBER: I don't think that teaching and working on a dissertation is an overwhelming burden.

100 SEN. CEASE: I disagree. But I don't think this should be in state law.

117 JANE LESSER, OREGON STUDENT LOBBY: Submits and summarizes written testimony in support of SB 655, (EXHIBIT I).

134 SEN. GOLD: In effect, the state is saving money through the graduate teaching assistants because if they didn't teach these classes, we would have to have faculty in those positions.

145 CHAIR WEBBER: But there is no guarantee that they would return to the teaching force after they've completed the dissertation.

151 SEN. CEASE: If we bring out-of-state students in, it's because they are qualified. In many cases, they couldn't come here if they had to pay

out-of-state tuition. When they get to the point of doing the dissertation, they shouldn't be abandoned. But I don't know if this needs to be in state law.

(Tape 52, Side A) SB 16 - RELATING TO TEACHERS; SB 1098 - RELATING TO TEACHER STANDARDS AND PRACTICES COMMISSION - PUBLIC HEARING WITNESSES:

John Danielson, Oregon Education Association Joe Benninghoff, Confederation of Oregon School Administrators Katherine Tippens Wiper, Teacher Standards and Practices Commission David Myton, Teacher Standards and Practices Commission Joe McKeever, Attorney General's Office Vickie Totten, Oregon School Boards Association

175 SEN. PHILLIPS: Reviews SB 16-1 amendments, (EXHIBIT J).

253 SEN. CEASE: Why do we need this bill?

257 SEN. PHILLIPS: Individuals with accusations made against them tend to move from one district to another. There is no central depository of

information for the state to be used when references are being checked.

270 SEN. CEASE: If in the file there was even a suggestion of disciplinary action being taken, would that hurt the teacher?

275 SEN. PHILLIPS: That was the issue being raised in the proposed bill. That's why I've submitted these amendments.

281 SEN. CEASE: Under this they'd have to report that?

SEN. PHILLIPS: Right.

SEN. CEASE: If that were on their record, even if the action wasn't taken, would that hurt the teacher?

285 SEN. PHILLIPS: Yes, that's the point that's been raised. I was trying to make it clear that there were no actual findings in such a case.

292 CHAIR WEBBER: This is similar to the sexual harassment rule. How would you get a clear record for the person that's been cleared of those

charges?

298 SEN. PHILLIPS: I'm willing to work with staff. I wanted to give it a try.

308 CHAIR WEBBER: Is there good faith immunity for people passing information on now?

SEN. PHILLIPS: I don't know.

313 SEN. CEASE: If it's a problem, then it's worth dealing with. Is there a way to make the situation easier for those who are involved?

323 JOHN DANIELSON, OREGON EDUCATION ASSOCIATION: Speaks in opposition to the bill. We don't believe this problem is very frequent. Current law

takes care of the situation in the event of sexual abuse. Perhaps you should work towards an extension of existing law as it relates to sexual abuse. Reviews sexual abuse laws. This bill would create more problems, such as the persecution of people wrongly accused as well as problems with slander. Many of these problems are from poor administrative behavior.

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038 JOE BENNINGHOFF, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: The Executive Board of the Oregon Association of School Executives expressed support of the concept of SB 1098, but were concerned with the issue of immunity. There is no immunity provided in reporting to TSPC, but there should be. I believe that within the commission framework, a compromise can be worked out. Discusses concerns. We are supportive of the

amendments of SB 16 and of SB 1098.

090 KATHERINE TIPPENS WIPER, TEACHER STANDARDS AND PRACTICES COMMISSION: Submits and summarizes written testimony in support of SB 16, (EXHIBITS K & L).

132 CHAIR WEBBER: How wide spread is that?

Wiper: Probably about two instances a year. It's not very wide-spread.

140 CHAIR WEBBER: How much of it comes from poorly checked references?

Wiper: I don't know how closely references are checked sometimes.

There are times when we could check the reference and it still wouldn't help.

149 DAVID MYTON, TEACHER STANDARDS AND PRACTICES COMMISSION: There are instances when the references were checked but the records were sealed

so no information about the instance was given.

155 SEN. CEASE: Is troubled that this problem is not limited to school districts. Anyone who is accused of sexual misconduct, is already in

trouble -- he'll be hurt no matter what the truth is. I think these bills create other problems for people.

188 JOE MCKEEVER, ATTORNEY GENERAL'S OFFICE: This is a practice that we've seen several times. It is a serious problem.

194 CHAIR WEBBER: The practice of negotiating a sealed file?

198 McKeever: Yes. This is not merely a reporting problem. TSPC receives many complaints that are not well-grounded. I don't think that a

teacher's reputation will by hurt be a report since the reports and investigations are confidential.

214 CHAIR WEBBER: If an investigation begins and the accused leaves the position before the investigation is completed, how do you bring that

investigation to a closure?

222 McKeever: TSPC is required to investigate. My understanding is that TSPC would complete its investigation.

260 CHAIR WEBBER: Is there any case law or findings of negligence of administrators?

265 McKeever: Not that I'm aware of in Oregon. There is in other states.

272 Penny: There are cases where the hearings continue to take place even if the teachers choose not to defend themselves at the hearings, aren't there?

279 McKeever: Yes, that does occur.

286 Wiper: Submits proposed amendment, (EXHIBIT L). We want to work with you in making any necessary changes.

312 VICKIE TOTTEN, OREGON SCHOOL BOARDS ASSOCIATION: We support the immunity provisions for either of these concepts. I agree with Mr.

Danielson that there should be some accountability for administrators to check previous records. Recalls incident that occurred when she taught high school.

332 CHAIR WEBBER: Why are they not reported?

336 Totten: We're after something that is very difficult to define. There are people who do not have a prior history. That needs to be accounted

for.

349 CHAIR WEBBER: The Bar requires references and has them checked. Is that required for teachers?

353 Totten: Not when I applied to become a teacher.

340 SEN. CEASE: How would that incident be handled today?

363 Totten: I think there has been a change in awareness that the students would act on today.

CHAIR WEBBER: Adjourns meeting at 4:38 p.m.

Submitted by:

Reviewed by:

Julie Mušiz
Administrator

Lee Penny Assistant

EXHIBIT LOG:

A - HB 2061-A8 amendments - Staff - 1 page B - SB 428-2 amendments - John Danielson - 6 pages C - SB 428-1 amendments - Sen. Bryant - 1 page D - Hand-engrossed SB 428-1 - Staff - 3 pages E - Letter on SB 655 - Sen. Kerans - 1 page F - Residence Classifications - Melinda Grier - 9 pages G - Fiscal impact statement - Staff - 1 page H - Testimony on SB 655 - Bob Duehmig - 1 page I - Testimony on SB 655 - Jane Lesser - 1 page J - SB 16-1 amendments - Sen. Phillips - 4 pages K - Testimony on SB 1098 - Katherine Tippens Wiper - 3 pages L - Amendments to SB 16 - Katherine Tippens Wiper - 2 pages