

SENATE COMMITTEE ON EDUCATION

April 29, 1993      Hearing Room 343 3:15 p.m.      Tapes 61 - 62

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:            SB 656 - Relating to income taxes SB  
898    -    Relating    to    individualized    family service plans SB  
119 - Relating to certain state agencies SB      881    -    Relating  
to    the    Juvenile Corrections Education Program SB 591 -  
Relating to higher education SB 696 - Relating to interscholastic team  
activities

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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  
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TAPE 61, SIDE A

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

(Tape 61, Side A) SB 696 - RELATING TO INTERSCHOLASTIC TEAM ACTIVITIES -  
PUBLIC HEARING WITNESSES:      Jim Bunn, Oregon State Senator, District  
15 Debbie Kearns, Parent Marv Evans, Oregon School Activities  
Association

013      JIM BUNN, OREGON STATE SENATOR, DISTRICT 15:    Reviews bill.

038      CHAIR WEBBER:    Is there any expense involved?

J. Bunn:    This bill just allows this to occur. Criteria could be  
established by the district. There's no requirement that any district  
accept the student.

043      SEN. CEASE:    What would be the option for the school that's  
being petitioned?

J. Bunn:    We have schools that have said they would allow the student  
but can't under current rules. This just allows the district to  
acknowledge and approve the request.

054 DEBBIE KEARNS, PARENT: Discusses reasons for requesting bill.

CHAIR WEBBER: Would this bill allow children from Salem Public Schools to go to North Marion High School and create a large team there?

J. Bunn: Not for five years. Hopefully the budget cuts will be resolved by the time that five-year period ends.

090 Kearns: I would just like my son to have the equal opportunity to try out.

CHAIR WEBBER: Parents have staffed teams in the past. Is that an alternative?

Kearns: Not in Dayton. It's a very small school.

100 MARV EVANS, OREGON SCHOOL ACTIVITIES ASSOCIATION: Speaks in opposition to SB 696. This is likely to be a Pandora's box of recruitment of

athletes.

130 SEN. BUNN: The combination of small schools wouldn't solve this problem. What's wrong with recruitment if it happens?

Evans: Nothing, if it's limited to that. This would petition the district with a request to participate. It leaves some hazy areas where they can accept the athlete and reject the participant.

146 SEN. BUNN: To only be allowed to accept/reject a student when there's no program in the smaller school is too narrow. Do you think the harm

is so great that we ought to deny the opportunity?

Evans: There are other bills that have some hazy areas that have been supported by the Oregon School Activities Association. This bill has some dangers that the other bills do not.

SEN. BUNN: We need to look at any suggested dangers to see if they exist. In a Measure 5 atmosphere we need to be more creative in breaking down boundaries.

180 SEN. PHILLIPS: Doesn't the OSAA already have strict sanctions for the recruitment of athletes?

Evans: Yes. They do that by controlling the ability for a student to move from one school to another.

SEN. PHILLIPS: We should allow as much flexibility as possible. You

could address this problem by making it a school-to-school recruitment, rather than an individual recruitment.

Evans: Are you saying that the public school would still have the opportunity to agree or disagree with entering into that kind of a program?

SEN. PHILLIPS: Yes. I think we should do whatever will make this work.  
(Tape 61, Side A) SB 119 - RELATING TO CERTAIN STATE AGENCIES - WORK SESSION

240 LEE PENNY, COMMITTEE ADMINISTRATOR: Reviews SB 119-1 amendments, (EXHIBIT A).

260 MOTION: SEN. BUNN moves SB 119-1 amendments.

262 SEN. GOLD: Lines 6 on, does not exist?

CHAIR WEBBER: No, that section pertains to the deletion in lines 23-24 that refers to the Office of Educational Policy and Planning.

SEN. GOLD: Why is this an emergency?

CHAIR WEBBER: To transfer the staff over at the beginning of the biennium.

SEN. GOLD: Has there been discussion that relates to the various statutes that have been deleted?

CHAIR WEBBER: Yes. There's a letter from Marilynne Keyser, (EXHIBIT B).

325 SEN. PHILLIPS: I also have some reservations at this stage.

SEN. GOLD: It would be helpful to have a hand-engrossed bill for whatever the proposal is.

VOTE: No action take on motion.

(Tape 61, Side A) SB 881 - RELATING TO THE JUVENILE CORRECTIONS EDUCATION PROGRAM - WORK SESSION WITNESSES: Rich Peppers, Oregon Public Employees Union Greg McMurdo, Department of Education

375 Penny: Reviews SB 881-2 amendments, (EXHIBIT C).

495 CHAIR WEBBER: I'm comfortable sending it to Revenue and letting them decide if it needs to go to Ways and Means.

Tape 62, Side A

049 SEN. GOLD: Is there a revenue impact statement for this?

CHAIR WEBBER: Yes.

065 RICH PEPPERS, OREGON PUBLIC EMPLOYEES UNION: I've just seen these amendments. OPEU has some concerns about these amendments and the

concept of transferring employees to the Department of Education. I don't know if we need that transfer in order to achieve the goal. Also concerned with the dual function of security and education at Hilcrest and MacLaren. It raises question whether Department of Education can coordinate these two functions.

CHAIR WEBBER: We met with Mari Ann Gest and other OPEU members earlier this week. Kevin Concannon and Norma Paulus have agreed that between now and when the transfer occurs there will be an inter-agency agreement that will specify and address safety concerns of workers and will determine which employees need to be transferred.

105 Peppers: The only conversation I've had with Mari Ann was this morning. She said that OPEU opposed this bill. OPEU supports the program

transfer but not the employee transfer.

112 SEN. CEASE: Will the information about that agreement go forward as this goes on to Revenue?

CHAIR WEBBER: Yes.

SEN. CEASE: The question was raised earlier about how to deal with these relationships.

CHAIR WEBBER: The Department of Education has an understanding about what that is about.

122 SEN. GOLD: Are there collective bargaining agreements that would be changed as a result of this?

CHAIR WEBBER: No. One of the unions is currently in the process of negotiations. The bill provides that bargaining agreements would transfer also.

SEN. GOLD: Is this similar to the situation with the employees of the Deaf and Blind Schools?

140 GREG MCMURDO, DEPARTMENT OF EDUCATION: We have a different relationship with the special schools.

SEN. GOLD: So would these two new entities be like local school

districts or like the Deaf and Blinds Schools?

McMurdo: They would be more like the Deaf and the Blind Schools. They would participate in the state school fund the same as a student in a public school.

160 MOTION: SEN. BUNN moves SB 881-2 amendments.

VOTE: Hearing no objection, so ordered.

164 MOTION: SEN. BUNN moves SB 881 as amended to Revenue with do pass recommendation.

SEN. CEASE: I'll vote for this because this ought to be included. As it goes to Revenue, the issue of where we find the money is still up in the air. SEN. GOLD: I support the principle involved here. This should have

been done a long time ago.

194 VOTE: Motion passes, (5-0).

(Tape 62, Side A) SB 898 - RELATING TO INDIVIDUALIZED FAMILY SERVICE PLANS - WORK SESSION WITNESSES: Kathryn Weit, Families as Leaders  
Karen Brazeau, Oregon Department of Education

214 KATHRYN WEIT, FAMILIES AS LEADERS: Reviews SB 898-1 amendments, (EXHIBIT D). Submits and reviews summary and comparison of bill,

(EXHIBIT E).

237 CHAIR WEBBER: We have to take some action to comply with federal regulations, correct?

239 KAREN BRAZEAU, OREGON DEPARTMENT OF EDUCATION: This would bring Oregon in compliance with Part H of the Individuals with Disabilities Education Act. The Department believes we can meet these requirement and continue to receive these federal funds and continue to provide the program.

250 CHAIR WEBBER: Are you satisfied with the amendments?

Brazeau: Yes.

258 MOTION: SEN. CEASE moves SB 898-1 amendments.

VOTE: Hearing no objection, so ordered.

MOTION: SEN. CEASE moves SB 898 as amended to the floor with a do pass recommendation.

VOTE: Motion passes, (4-0). Sen. Gold will lead the floor discussion.

(Tape 62, Side A) SB 591 - RELATING TO HIGHER EDUCATION - WORK SESSION

286 Penny: Reviews -1 amendments and hand-engrossed bill, (EXHIBITS F & G).

293 SEN. CEASE: Suggests the phrase, "models of ethical behavior" be removed from page 1, line 17 and be replaced with "persons". Suggests

the word "protect" be removed from page 2, line 14.

353 SEN. GOLD: I prefer the entire section be deleted. I don't know how "moral integrity" would be defined in law.

371 SEN. CEASE: I don't know if we need to define it. I think you lose something if you take the whole sentence out.

376 SEN. GOLD: Suggests the phrase "For its moral integrity" be removed and the section read "Oregon needs persons who..."

400 MOTION: CHAIR WEBBER moves to remove the phrase "For its moral integrity," and to replace the phrase "models of ethical behavior" with "persons" from page 1, line 17 of the

bill, and to remove the word "protect" from page 2, line 14 of the bill.

VOTE: Hearing no objection, so ordered.

408 MOTION: SEN. CEASE moves SB 591 to the floor as amended with a do pass recommendation.

VOTE: Motion passes, (4-0). Sen. Bunn with lead the floor discussion.

(Tape 62, Side A) SB 656 - RELATING TO INCOME TAXES - WORK SESSION

450 Penny: Discusses conceptual amendments.

Tape 61, Side B

050 CHAIR WEBBER: What was the estimated revenue costs of this?

Penny: It's \$109 per person. The figure of \$4 million has often been used. Continues review of conceptual amendments.

098 SEN. GOLD: Does this means test apply to all disabilities under federal law?

Penny: No. The means test applies only to the learning and language disabilities.

115 SEN. GOLD: We would be singling out only a couple of disabilities for special treatment and leaving the others alone? Policy-wise, I think

this is an important thing to do. But I don't know if Revenue will be willing to do an additional tax credit at this time. I'm worried about

singling out a means test for some of the disabilities and not for the others.

CHAIR WEBBER: It worries me too. I'm not sure where the \$4 million figure came from.

Penny: The two largest disabled groups are the learning disabled and speech and language disabled.

150 SEN. CEASE: Is this an exemption or a tax credit?

SEN. GOLD: It's a tax credit.

SEN. CEASE: I have a question about the speech and language impairment. Is that defined in the law?

170 CHAIR WEBBER: I believe that in the rule of the Department of Education there is criteria that defines "disabled".

SEN. CEASE: If you have a specific learning disability, doesn't that include speech and language?

CHAIR WEBBER: Not necessarily.

185 SEN. CEASE: The problem is that there are lots of exemptions currently on the books. It's the holistic impact that concerns me.

SEN. GOLD: I agree. I wanted to bring a discriminatory situation to our attention.

229 SEN. CEASE: Why can't we send it to Revenue with a do pass recommendation, if resources can be found?

CHAIR WEBBER: Do we want to do an amendment or to send it on in its original form?

261 MOTION: SEN. GOLD moves SB 656 to Revenue with a do pass recommendation with a memo that the bill depends on resources being available.

VOTE: Motion passes, (4-0).

CHAIR WEBBER: Adjourns meeting at 4:35

Submitted by: Reviewed by:

Julie Mušiz  
Administrator

Lee Penny Assistant

EXHIBIT LOG:

A - SB 119-1 amendments - Staff - 2 pages B - SB 119 letter - Staff - 11 pages C - SB 881-2 amendments - Staff - 8 pages D - SB 898-1 amendments - Staff - 11 pages E - SB 898 summary - Kathryn Weit - 3 pages F - Hand-engrossed SB 591-1 - Staff - 2 pages G - SB 591-1 amendments - Staff - 1 page H - SB 656 exemptions - Staff - 3 pages