

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.

HOUSE COMMITTEE ON EDUCATION

February 11, 1991Hearing Room F 1:30 p.m.Tapes 15 - 17

MEMBERS PRESENT:Rep. Carolyn Oakley, Chair Rep. Vera Katz, Vice-Chair Rep. Bruce Hugo Rep. Delna Jones Rep. Mike Nelson Rep. Bob Pickard Rep. Walt Schroeder

STAFF PRESENT: Lee Penny, Committee Administrator Carolynn Gillson, Committee Assistant

MEASURES CONSIDERED: LC 2918 - Student transportation, Bill Introduction HB 2155 - Per diem for TSPC members, PUB HB 2108 - TSPC revoke privilege to apply for certificate, PUB HB 2096 - Distance learning teaching certificates, PUB HB 2100 - Teachers and administrators licensed by TSPC, PUB

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TAPE 15, SIDE A

005 CHAIR CAROLYN OAKLEY: Calls the meeting to order at 1:38 p.m.

(Tape 15, Side A) Introduction of Committee Bills Work Session

011 LEE PENNY, Committee Administrator: Reviews the purpose of LC 2918 being introduced at the request of Kathleen Adamson of Salem (EXHIBIT A). The Board of Education would have to define in administrative rule what a rural school district is and you might want an additional legislative definition.

028 MOTION: Rep. Pickard moves to introduce LC 2918 as a committee bill.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Rep. Hugo is excused.

(Tape 15, Side A) HB 2155 - Per diem for TSPC members Public Hearing Witnesses: Nora Schliske, chairperson, Teachers Standards and Practices Commission TSPC) Kathleen Macken, commissioner, TSPC Edith Lippert, commissioner, TSPC David Myton, executive secretary, TSPC Karen Hafner, Oregon School Boards Assoc. (OSB A)

045 NORA SCHLISKE, TSPC: Reads part of their testimony in support of HB 215 5 requesting authorization to compensate the three public members of the Commission at \$30 per day as provided in ORS 292.495 (EXHIBIT B). A

pamphlet concerning TSPC is included with the testimony. > Part I of their testimony contains a brief overview of TSPC - background and mission.

074 KATHLEEN MACKEN, TSPC: Reads from Part 2 of their testimony explaining the need for authorization to compensate public members of TSPC.

086 EDITH LIPPERT, TSPC: Reads the rest of Part 2 of their testimony explaining the need for authorization to compensate public members of TSPC.

112 REP. VERA KATZ: Do you get any reimbursement for travel or lodging for your duties as a school board member?

LIPPERT: I get reimbursed for travel on one of the school boards I serve on. I have not requested reimbursement from the other school district I serve on. If I am out of town on school business, I am reimbursed for my travel expenses.

127 REP. WALT SCHROEDER: Will the amount allowed for TSPC in the Governor's budget prevent people who live further away from Salem from serving on TSPC?

120 DAVID MYTON, TSPC: By statute, we are already permitted to reimburse members for their actual and reasonable travel expenses. This bill would provide a \$30 stipend, in addition to travel, for three commissioners for 20 meetings a year.

138 REP. DELNA JONES: What are you currently spending out of the TSPC budget?

MYTON: The current budget is about \$1.3 million and the Governor's recommended budget for 1991-93 is around \$1.5 million.

REP. JONES: The addition in the budget is more than the \$30 per day. Are other things included in the increase?

MYTON: The budget increase includes the increased cost of services to TSPC from the state Executive Department. The average increase of services and supplies is about 9.8 percent over the previous biennium.

151 REP. BOB PICKARD: This \$30 stipend does not seem to cover the contribution that public members of TSPC make.

MYTON: Although \$30 is a small token, it is the way the state has recognized service. > Refers to list attached to their testimony (see EXHIBIT B) of licensing boards, commissions and advisory committees that already compensate their members at the rate of \$30 per day.

182 REP. BRUCE HUGO: In your testimony, was there any reference to compensation to teachers?

SCHLISKE: School districts are provided with a substitute at the expense of TSPC. Teachers receive nothing more than their usual salary except for travel expenses. Everyone on TSPC gets their normal salary except for the three public members.

207 PENNY: Reviews a memo sent to the Joint Interim Committee on Education members during the 1987-88 interim concerning compensation and

expenses for boards and commissions (EXHIBIT C).

238 KAREN HAFNER, representing OSB A: OSB A supports the \$30 per day per diem. It is the amount other boards and commissions are receiving. OSB A values the service of public members to TSPC.

(Tape 15, Side A) HB 2108 - TSPC revoke privilege to apply for certificate Public Hearing Witnesses: Nora Schliske, TSPC Joe McKeever, assistant attorney general, Department of Justice David Myton, TSPC

255 NORA SCHLISKE, TSPC: Reads testimony in support of HB 2108 which clarifies procedures for investigating complaints against educators (EXHIBIT D). > Describes a recent case where a person was convicted of a crime which would make that person unfit for service in a classroom. The individual's teaching certificate expired and, therefore, was not listed by the interstate clearing house TSPC participates in to check the background of teacher applicants.

311 JOE MCKEEVER, Department of Justice, representing TSPC: Reviews changes numbered 1-4 in his testimony concerning the major components in the HB 2108 (EXHIBIT E). > Talks about different situations that have occurred and why a change is proposed in the statute.

TAPE 16, SIDE A

016 MCKEEVER: Reviews the last two changes in statute listed in his testimony.

REP. PICKARD: Talks about a teacher who came from another state where he was accused of sexually molesting a student. The superintendent advised the teacher that if he left the school quietly, all charges would be dropped. Can TSPC check to see if someone has a situation like this in their past?

MYTON: Currently, TSPC does a Law Enforcement Data System check. Even with this system, it would be impossible to get criminal records from other states without fingerprints. > Eight state have gone to fingerprinting as a way to track teachers.

075 SCHLISKE: Our system is only as good as communication and due process go.

REP. PICKARD: Do you think what I described earlier is happening in this state?

MYTON: Yes, it does happen. > Describes a recent case where a teacher abused children in Oregon and applied for a teaching certificate in Washington state. > TSPC has a priority in 1991 to work with the school boards and the Confederation of School Administrators (COSA) to bring people up-to-speed with what is going on.

100 REP. KATZ: Didn't we pass a bill last session to fingerprint those people who work in day care centers? If we did, it makes perfect sense to give TSPC the authority to fingerprint.

REP. HUGO: Is the hearing record also exempt in an investigation?

MCKEEVER: The statute says all investigative materials shall be confidential. It is not clear when they can be released. This bill says those materials will remain confidential until the hearing is

completed.

REP. HUGO: How did you find out the teacher you mentioned earlier was sexually abusing children?

132 MYTON: Describes the situation that occurred in more detail.

REP. HUGO: Was the school district aware of why the teacher left before his contract expired?

MYTON: They were suspicious.

REP. HUGO: There are two things wrong with our licensing law: fingerprinting is not required and school districts are not required to share information concerning a teachers they suspect or know has committed a crime.

MYTON: The TSPC standards for competent and ethical performance place a certain responsibility on administrators to accurately report on child abuse.

185 CHAIR OAKLEY: What percent of the people do you check who come in from out-of-state and want to be certified?

MYTON: We check about 5 percent of the total certificates issued. If we get the requested computer terminal, we will be able to check all initial applicants and a larger number of renewals. We do a check in any suspicious situation. > Fingerprinting is being considered by TSPC and by the group called Staffing Our Schools for the 21st Century. > TSPC has not developed any legislative proposals for fingerprinting.

221 REP. PICKARD: I would hope investigations are done in cases where teachers leave before their contract ends.

MYTON: TSPC sends a random sample of certification applications to the state police every week for checking applicant records.

REP. KATZ: Of the 5 percent you randomly check, how many teachers do you investigate?

MYTON: We pursue 6 or 8 teachers a year who have falsified their applications for certification. Usually it is for driving under the influence or driving when their license is suspended. I have not turned up any cases in the last two years involving child abuse.

262 REP. JONES: What other boards or commissions require fingerprinting?

MYTON: We do not have that information.

(Tape 16, Side A) HB 2096 - Distance learning teaching certificates
Public Hearing Witnesses: Nora Schliske, TSPC David Myton, TSPC Karen Hafner, OSB A Wayne Neuberger, Department of Education Gregg McMurdo, Department of Education

305 REP. JONES: If TSPC has other funds, where does the money come from?

314 NORA SCHLISKE, TSPC: The money is raised through the fees from issuing certificates and renewals. It is currently \$35 per renewal,

initial certificates are \$65 for out-of-state and \$50 for within the state. The certificates are issued for the average of 3.4 years. > TSPC did not request this bill but does support it. > Reads part of their testimony explaining how HB 2316 (1989 session) was unclear on whether TSPC was to issue a certificate to such distance learning teachers prior to the broadcasting of instructional programs (EXHIBIT F). > Reviews HB 2096 requiring TSPC to issue certificates to these instructors.

363 DAVID MYTON, TSPC: Reads their testimony recommending an amendment to HB 2096 concerning the length of time a temporary certificate should be issued for (see EXHIBIT F).

REP. JONES: Why is it important for a distance learning teaching certificate to be issued by TSPC?

MYTON: The 1989 statute said if a teacher holds a certificate in another state and has passed the basic skills test, they shall be considered certified in Oregon. It has been impossible for the Department of Education to be sure that condition is met because of the expiration date of out-of-state certificates and the changing of instructors. There needs to be some way of monitoring that requirement because school districts are liable to forfeiture of basic school support funds if they employ uncertificated distance learning teachers. > Describes three situations from this school year where distance learning teachers have not met these requirements.

433 REP. KATZ: Requests more information about the perceived problem. TAPE 15, SIDE B

003 MYTON: Reviews the situations for the three teachers who did not hold out-of-state or Oregon teaching certificates.

030 PENNY: This bill is intended to address all the questions pertaining to HB 2316 from last session.

REP. HUGO: Explains two debates that lead to the 1989 bill. > The question is whether we are dealing with noncertified teachers or unacceptable curriculum. > Another issue, is when do you use distance learning at the expense of teachers in the classroom?

073 PENNY: This became an issue last session because TSPC had levied forfeiture of basic school support against two school districts that had subscribed to a distance learning course where the instructor was not certified to teach in Oregon.

REP. HUGO: Explains why the token forfeiture was \$1 for using a noncertified teacher. > The Department and TSPC have conflicting statutes over who should approve what. > We are looking at fines and certificates instead at educational opportunities for the kids.

REP. PICKARD: A certified teacher is required to be in the classroom during a distance learning program.

127 REP. JONES: Without this bill, does the Department still look at the curriculum in relationship to distance learning?

MYTON: The Department has that responsibility under another statute. > Having a certified teacher in the classroom does not meet the condition in the 1989 law.

REP. KATZ: Isn't reviewing the curriculum in the program enough of a safeguard without requiring a certified instructor? Will the same C-Best regulations for Oregon teachers be applied to long distance teachers?

MYTON: If the person applied for an Oregon certificate, the same criteria would apply. If they are using an out-of-state certificate, they have to pass a nationally recognized skill test such as the C-Best test.

178 REP. JONES: You would expect out-of-state teachers to be held to a higher standard unless they wanted to apply in Oregon.

PENNY: Reviews language in HB 2096 concerning the basic skills test requirement.

REP. JONES: What is the time necessary for an out-of-state distance learning teacher to receive a certificate?

MYTON: Our turn around time for a regular certificate is 10 days. The turn around would be two working days if the school district requested expedited service.

234 REP. JONES: I would like to have an amendment drafted removing the requirement for distance learning teachers to have an Oregon certificate or out-of-state certificate if the curriculum has been approved in accordance with the Department and Board of Education. I would not want to remove a certified teacher from the process.

253 KAREN HAFNER, OSB A: OSB A is supportive of the bill and mainly concerned about a standardized process. Our goal is to allow all school districts to have the curriculum choices distance learning allows. > Distance learning is part of the teacher's bargaining process.

285 WAYNE NEUBERGER, Department of Education: The Department has been approving courses and using the criteria in the 1989 legislation. HB 2096 addresses two major problems: > The time it takes to get certified makes it difficult to take the basic skills test that is not offered that often. The emergency certificate will take care of that problem. > Some distance learning providers have instructors not certified in Oregon but are accredited to an education institution. In HB 2096, if the instructor is accredited with an institution, they can get an Oregon distance learning certificate. > It is the Department's understanding that the 1989 legislation did not require a certified teacher in the classroom where the students are. An adult needs to be supervising the class, but that person could be an instructional assistant. If this bill passes, teachers could receive a certificate upon applying to TSPC.

399 PENNY: The section of the statute referring to a teacher in classroom sunsets in July, 1991. > Reads the language in current law that saves a school district from forfeiture of basic school support if a noncertified teacher is in the classroom.

TAPE 16, SIDE B

020 PENNY: This bill allows school districts to put any certified teacher in the distance learning classroom.

028 REP. PICKARD: Isn't content more important than certificates?

038 NEUBERGER: The Department bases it's decision for approval on course content, mechanisms to allow students to get additional help and feedback on student performance. In lieu of certification of the distance learning instructor, we would look at the experience. Until the teacher actually begins teaching, it is hard to know the quality of the instructor. > Suggests striking "summer session" on page 3, line 40, of the bill. > Recommends striking the language in Section A of ORS 354.440 that creates an advisory committee.

099 REP. PICKARD: Suggests a test be given to kids taking a distance learning class to determine if they are actually learning.

NEUBERGER: We require some demonstration of learning over the course of the year. The school districts give feedback to the program providers.

REP. HUGO: Would you say there is no need for an advisory committee for radio or television distance learning?

NEUBERGER: Explains why the advisory committee is no longer necessary.

REP. HUGO: Does the Department have a bill listing all the advisory committees and commissions the Superintendent intends to abolish so this committee can talk about all of them at one time?

160 GREGG McMURDO, Department of Education: We are compiling a list to be presented to the Committee on Agency Reorganization & Reform.

REP. JONES: There isn't anything that prohibits an advisory committee.

McMURDO: The superintendent intends to get rid of the mandated advisory committees but the Department still has the authority to convene advisory committees.

183 The committee takes a break and reconvenes at 3:25 p.m.

(Tape 16, Side B) HB 2100 - Teachers and administrators licensed by TSPC
Public Hearing Witnesses: Nora Schliske, TSPC David Myton, TSPC Don Shore, Oregon Education Association (OEA) Joe Benninghoff, Confederation of School Administrators (COSA)

199 NORA SCHLISKE, TSPC: This is not a bill submitted by TSPC. Reads testimony in support of part one of the bill that changes certificate to license in ORS Chapter 342 (EXHIBIT G).

DAVID MYTON, TSPC: The most effective time for TSPC to change all its forms from certificate to license would be January, 1992. We hope the bill does not pass with any emergency clause. > Reads testimony in regards to establishing an Administrator Evaluation Process (see EXHIBIT G). > TSPC is not taking a position on the second part of the bill because the program is vague and the cost is difficult to estimate. > Refers to the cost estimates in the fiscal analysis of HB 2100 (EXHIBIT H).

270 DON SHORE, OEA: Testifies in favor of HB 2100. > Reviews his testimony (EXHIBIT I) outlining key mechanisms for credentialing the teaching profession which defines the public functions with the professional functions. > Shares concern with TSPC concerning Section 2 (2) in the bill.

328 REP. KATZ: This committee is going to be dealing with assessment several times this session. It might be of some value to know more about

assessment since you don't know if you have the tools to do it or what it will cost to develop the tools.

362 REP. HUGO: Reads language in Section 5 of the bill. > Do we need to refer to certification at all?

SHORE: I don't know if it needs to be in law but that provision needs to be understood by teachers.

400 REP. PICKARD: Would licensure automatically follow certification?

SHORE: The license is the initial step. Certificates are issued after accomplishments are shown and demonstrated.

422 JOE BENNINGHOFF, COSA: Generally, COSA supports using the term "license" as opposed to "certification". > Not ready to equate membership in professional association with the certificate. > Reference to assessment system in the bill needs to be spelled out more precisely.

REP. PICKARD: Requests more information on the two professional accreditation and certification organizations mentioned in a chart (see EXHIBIT H).

MYTON: Gives the committee more information concerning the two organizations.

TAPE 17, SIDE A

022 CHAIR OAKLEY: Adjourns meeting at 3:50 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG: A - LC 2918 - staff - 1 page B - Testimony on HB 2155 and newsletter - TSPC - 8 pages C - Memo to committee members, HB 2155 - staff - 9 pages D-Testimony on HB 2108 - TSPC - 2 pages E-Testimony on HB 2108 - Joe McKeever - 3 pages F-Testimony on HB 2096 - TSPC - 2 pages G-Testimony on HB 2100 - TSPC - 3 pages H- Fiscal impact on HB 2100 - Legislative Fiscal - 1 page I-Testimony on HB 2100 - OEA - 2 pages