

House Committee on Education February 18, 1991 Page

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 18, 1991 Hearing Room D 1:30 p.m. Tapes 20-22

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 Karen Edwards, Committee Assistant

BILLS INTRODUCED: LC Draft 3175-2 LC Draft 3503

MEASURES HB 2098 Repeal of Administrative School District Law - PUBLIC CONSIDERED: HEARING HB 2098 Repeal of Administrative School District Law - WORK SESSION HB 2096 Prescribes procedures to be used in issuing distance learning - WORK SESSION

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TAPE 20, SIDE A WORK SESSION

007 REP. CAROLYN OAKLEY, CHAIR: Calls meeting to order at 1:40 p.m.

014 LEE PENNY, Committee Administrator: Discusses LC Draft 3175-2 (EXHIBIT A).

MOTION: Rep. Katz moves that LC Draft 3175-2 dated 2/18/91 be introduced as a committee bill.

VOTE: Hearing no objection, Chair Oakley so moves.

040 PENNY: Discusses LC Draft 3503 (EXHIBIT B).

MOTION: Rep. Katz moves that LC Draft 3503 dated 2/15/91 be introduced as a committee bill.

DISCUSSION TO THE MOTION:

057 REP. WALT SCHROEDER: Is this a forced consolidation?

060 REP. DELNA JONES: This bill requires unification not consolidation. Legislative counsel's draft is incorrect.

VOTE: Hearing no objection, Chair Oakley so moves.

Tape 20, Side A HB 2098 - PUBLIC HEARING Witnesses: Larry Frank, Applegate School District Sam Fusishin, Adrian School Board Mike Keown, Pine Eagle School District Nancy Cannon, Fossil School District Jay Johnson, Gold Beach School District Newell Cleaver, Imbler School District

111 REP. BRUCE HUGO: A couple of years ago we were talking about a unification or mandatory consolidation bill, what would your thinking be on that type of bill?

LARRY FRANK, Applegate School District: The community has always supported the schools and would be against a forced mandate of consolidation.

135 REP. BOB PICKARD: How many of you are in the safety net? Tell us what that has meant to your district.

SAM FUJISHIN, Adrian School Board: We decided to be in the safety net and use our funds from the past 2 years. In order to keep up our high standards, it will hurt us to stay in the safety net next year.

160 REP. MIKE NELSON: Does anyone here use distance learning? Are the children learning with or without certified teachers?

MIKE KEOWN, Pine Eagle School District: We are a merged school district. We went into distance learning on our own. We think it's been quite successful for us.

256 REP. VERA KATZ: What is your dropout rate? Assuming that you measure it like everyone else?

KEOWN: It's really hard for me to say. We may have a dropout once every 4 years.

REP. KATZ: How do you feel about a long distance learning teacher working without a certificate?

KEOWN: The teachers that I am aware of all have certificates from other states. The question is are they certified to teach in this state?

339 REP. OAKLEY: What is the size of your school district?

KEOWN: There are about 360 students in the district.

REP. OAKLEY: Divided between how many schools?

KEOWN: I have 3 schools.

375 REP. HUGO: What is peculiar to small schools?

NANCY CANNON: Fossil School District: You have many roles to play in a small school.

436 REP. HUGO: We have a body of state law that pertains to all school districts. What area of law could we work on to make your lives easier?

CANNON: We need help with the common curriculum goals. We are 3 years behind. It is hard to find the extra time to work on these goals.

TAPE 21, SIDE A

054 REP. HUGO: What practical solutions can we offer to your practical problems?

KEOWN: The common curriculum goals. If you were to go the small schools and ask about the common curriculum goals, I don't think you would find a lot of enthusiasm.

REP HUGO: What do you want?

KEOWN: In language arts, I have an english teacher who is responsible for tracking over 500 goals for each student under the standard.

078 REP. HUGO: What do you want to do about it?

KEOWN: Make state curriculum manageable.

082 FRANK: We had to take one of our 9 teachers and make her a specialist in standardization. If you want to know what to do, simplify the process.

105 REP. KATZ: We tried to get this legislative body to deal with the issue of assessment, to find out where our students were academically for years. We have finally committed money to measure the outcomes to alleviate the standardized issues. We then expect the students to have high performance outcomes.

LARRY FRANK: We have to decide what can be done to work together and what is workable.

136 REP. KATZ: This legislative body is interested in increasing curriculum goals and set higher standards to improve the work force of Oregonians in rural and urban areas. We are going to be asking things of you to improve the quality of education. We do not want to make it a hardship. You have to measure what is being produced by the school districts.

FRANK: If the legislature would supply the funds and personnel to meet their demands, I don't think anyone would complain. To request the districts to supply documentation with no funding or assistance, it is very difficult.

157 REP. JONES: What additional assistance can we give you? I believe we are interested in the same goals, providing the child with the best possible education.

208 KEOWN: It appears to me the Legislature is more concerned with accountability. You devise things to measure that. With the state testing, we lost student time. What is our purpose? Is it to teach or measure students? We are losing instructional days.

REP. HUGO: You are asking us to relieve you of the standards and assessment burdens. The problem is political. The people of Oregon are paying income tax and property tax money to give to the schools. The people of Oregon generally think these children can't read. Why fund a program that does not work? The assessment program is in your best interest.

275 JAY JOHNSON, Gold Beach School District: Discusses issues that

should be addressed in reference to small schools: >Certification endorsement - liberalizing the areas of endorsement by the size of the school. >Removal of required textbooks - reduces cost.

341 NEWELL CLEAVER, Imbler School District: Writing curriculum to gain ownership is a part of the process. Tell my staff what you want us to teach and we will.

REP. KATZ: Are you suggesting we establish a state curriculum?

CLEAVER: That is what standardization is, you come in and tell us what we are doing right.

408 REP. KATZ: What do the students that don't attend a university do after graduation?

KEOWN: There is a high ratio that goes on to college. Some students get married, some work in the community, and some go to the service.

TAPE 20, SIDE B

009 REP. HUGO: The complaints I get from constituents about schools are answerable by the results of your standardization visits.

CLEAVER: I believe the standardization visits are a great thing. I feel the process could be refined.

048 REP. KATZ: We tried last session, through the 21st century school programs, to deal with everything you have shared with us. The concept was to allow the department to waive all rules, regulations, and law to make things easier for you. Before you can do that, you have to know your strengths and weaknesses. If you think it is a good idea, let us know, and we will broaden the language of the statute.

KEOWN: We don't have a small school specialist. This would be useful to small schools.

CANNON: I agree with Mike. It would help if we could do just a small portion of the standardization every year. It is almost overpowering to go through 32 minimum standards in one year.

118 REP. KATZ: I don't know why we cannot find innovative ways to put a grand proposal together.

FUJISHIN: I agree with Rep. Hugo. We need to have something to measure the performance of students in small schools. We had to raise the standards for the students. We expected more and we received more.

207 REP. SCHROEDER: I think we can summarize by saying that bigger isn't always better. Some of these small schools are doing a tremendous job.

REP. OAKLEY: Larry you did bring up consolidation, would you like to discuss it briefly?

FRANK: It is difficult for a small school to comply with the many mandates required for standardization. We are totally committed to have the best rural schools in Oregon.

278 JOHNSON: A curriculum could possibly be made available through the

state department to be adopted by small schools. The small schools could choose to use this curriculum or adopt their own.

REP. HUGO: We are trying to remove as many burdens as possible. We have got to go after specifics to find out what the child knows.

KEOWN: Our teachers more than likely know the performance of our students better than the results from a test.

362 REP. KATZ: The tests will measure what the children need to know. If the children do well, we may want to reconsider standardization visits and requirements.

TAPE 21, SIDE B

HB 2098 - WORK SESSION 019 REP. OAKLEY: Let's look at Rep. Nelson's HB 2098-1 amendments (EXHIBIT C).

PENNY: These are clarifying amendments. When a school district is merged, residents of the newly formed district are going to have to wait up to a year to vote or sit on a school board committee. The wording will allow an elector to retain the right to vote or run for office in the new district.

MOTION: Rep Jones moves HB 2098-1 amendments to HB 2098 (EXHIBIT C).

VOTE: Hearing no objection, Chair Oakley so moves.

041 REP. OAKLEY: Now we have the HB 2098-2 amendments (EXHIBIT D). These are Rep. Hugo's amendments.

PENNY: Discusses changes in HB 2098-2: >Page 2, Rep. Hugo raises the issue whether the wording was in accordance with Ballot Measure 5. There may be a change on lines 27-30. >Page 3, line 6 would change the wording to "Kindergarten through grade 12". >Page 7, line 19 the word "fair" will be replaced with "real". >Page 3, line 22 would change the criteria of when a school district must merge into an adjoining school district.

083 REP. SCHROEDER: Lee, could you point out in the bill where it states both school districts have to have a majority vote to merge?

PENNY: It is on page 5, line 10. One defeat stops the process.

REP. JONES: Go back to page 4, what is ORS 330.090? I see, this has been amended

PENNY: Adding "3" to ORS 330.090 is changing a technical error. We cited the wrong sub-section last time.

REP. SCHROEDER: If HB Bill 2098-2 should pass, would it be retroactive?

PENNY: No.

140 ALAN THEDE, Multnomah Education Service District: It is my belief that if this statute is passed as is, it will have no impact on existing islands.

REP. HUGO: I am suggesting that this bill is allowed to pass before we make any boundary changes for the nine parcels of property which are

islands. These islands will go into one district.

THEDE: Rep. Hugo is talking about the families who have been given the opportunity to attend schools that were not in their district. We are in favor of the way the law permits two school boards to work together on school district boundary changes.

180 REP. SCHROEDER: You are not pleased with the way things are written here?

THEDE: If you were to change the wording in the law, two things need to occur: >Need to have a district that reaches one of those extremely small limits as defined by law. >Judgement needs to be made as to whether or not a district needs to merge due to geographical location or transportation problems, even if there are only five students in a district.

REP. HUGO: On page 3, line 21 the word "shall" could be changed to "may" they are mutually dependent. If any of the following criteria occurs, the merger must take place. What if we changed the wording to show "may"?

229 THEDE: I would urge you to leave the wording of the law the way it is.

REP. HUGO: If we used the word "may", the Education Service District could use it's discretion based on any of the criteria given.

THEDE: The courts would interpret "may" to be "shall". The Education Service District would prefer the word "may".

271 PENNY: Presents and discusses list with school districts with fewer than six children in counties with a population of 35,000 or less (EXHIBIT E).

THEDE: Maybe you could consider the wording to state the district boundary board "may" but "shall" not be required to merge. This would make it clear in court that there is some discretion left with the boundary board.

REP. HUGO: I do not like making decisions based on what a court will or will not do.

MOTION: Rep. Hugo moves HB 2098-2 amendments with the exception of changes made on page 3.

DISCUSSION TO THE MOTION:

351 REP. SCHROEDER: Would you still have lines 23-26 on page 3?

PENNY: ORS 330.090 down to line 29 would not change. It would remain the same as in existing law.

VOTE: Hearing no objection, Chair Oakley so moves.

TAPE 21, SIDE B HB 2096 - WORK SESSION

378 PENNY: Discusses the proposed amendments. >HB 2096 and HB 2110 amendments are combined (EXHIBIT F). >Department of Education amendments not within the context of the bill (EXHIBIT G). -Would like to be

relieved of the responsibility of reviewing educational television and radio programs. -Would like to get rid of their advisory committee. -Would like to have the wording "summer session" removed from page 3, line 40.

TAPE 22, SIDE A

REP. PICKARD: What would happen if we don't do anything with this bill or one like it?

004 PENNY: We would be back where we were 2 years ago. Imbler was fined for assigning distance learning courses without certificated teachers.

REP. HUGO: Imbler was fined \$1.00 for using a non-certificated teacher. If we do nothing on HB 2096, no one will use distance learning again due to the heavy fine that would be assessed.

020 REP. PICKARD: Wouldn't it be easy to say a certificate is not required?

GREGG MCMURDO, Department of Education: The concern of the department would be whether or not the person teaching a course would be qualified. There would be an obligation to check into the credentials of a teacher without the authority or funding to do so.

REP. PICKARD: If there was a law that said a certificate was not required for a distance learning teacher, what type of situation would you be in? The most important thing should be obtaining a good teacher for students who live in remote areas or have difficult circumstances.

GREGG MCMURDO: The department staff may feel they would have to check the credentials of a teacher before allowing that person to teach.

063 REP. PICKARD: What if there was a law that stated teachers did not have to have a certificate. Would you still feel obligated to obtain background information?

GREGG MCMURDO: No. We would not.

REP. HUGO: How does the Department of Education rate the content of materials that have not been broadcast yet? Under Oregon law, teachers in the classroom are required to be certified. What do we do about the credentials of a teacher who teaches by television?

086 PENNY: The present law states that a person with a certificate from another state will be certificated in Oregon. The new bill allows the Teacher Standards and Practices Commission (TSPC) to issue a certificate to anyone in or out of state.

REP. JONES: Would it be easier to develop criteria to guide the department in making a decision in regards to certification or would you like to leave HB 2096 as is?

149 GREGG MCMURDO: It would be my impression to leave HB 2096 as it is.

REP. PICKARD: Why don't we let HB 2096 die and pass an amendment that would limit the fine to \$1.00?

199 REP. JONES: The intent of HB 2096 is to allow as much flexibility

as possible.

DAVID MYTON, Teacher Standards and Practices Commission: Discusses HB 2096 (EXHIBIT H): >Seen as a legal issue - statute requires the forfeiture of school support if the district uses a non-certificated teacher. >TSPC did not ask HB 2096 to be introduced. The commission supports the issuance of distance learning certificates. >Will support Rep. Jones amendments (EXHIBIT I).

256 REP. NELSON: Did I hear you say the district does not receive support if the person is non-certificated?

MYTON: The commission is required by statute to forfeit basic school funds if the district uses a non-certificated person to teach.

REP. JONES: You have no problem with the amendments with the exception of 2 areas that are not clear. The teacher could be certificated from any state. The subject matter and grade level needs to be clarified. I don't want to limit the conditions.

360 REP. HUGO: What are we doing with HB 2096 in regards to the individual that is teaching in the classroom?

MYTON: If you adopted Rep. Jones amendments, they would require a teacher with an Oregon certificate in the classroom if the out of state person on television did not have a certificate.

REP. JONES. Have we addressed the issue of the person teaching in higher education?

MYTON: The amendment was removed. It was on page 2, section 4 (EXHIBIT I).

REP. JONES: That is existing language isn't it?

MYTON: No. Section 4 was all new. We suggest if you use this section to incorporate sections a, b and c.

481 Chair Oakley adjourns meeting at 4:20 p.m.

Submitted by: Reviewed by:

Karen Edwards
Administrator

Lee Penny Committee Assistant Committee

EXHIBIT LOG:

A - LC Draft 3175-2 - staff - 7 pages B - LC Draft 3503 -
staff - 2 pages C - Amendments to HB 2098 - staff - 11 pages
D-Amendments to HB 2098 - staff - 11 pages E-School district chart -
staff - 2 pages F-Amendments to HB 2096 - staff - 3 pages G-Amendments
to HB 2096 - staff - 3 pages H-Amendments to HB 2096 - staff - 3 pages
I-Amendments to HB 2096 - staff - 3 pages