

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

May 24, 1991
p.m. Tapes 96-97

Hearing Room F 1:30

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

MEMBER EXCUSED: Rep. Bob Pickard

STAFF PRESENT: Lee Penny, Committee Administrator Karen Edwards,
Committee Assistant

MEASURES HB 3565 - Establishes Oregon Educational Act for
21st Century - WORK SESSION

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TAPE 96, SIDE A

003 REP. CAROLYN OAKLEY, chair: Calls the meeting to order at 2:13 p.m.

HB 3565 - WORK SESSION Witnesses: Julie Brandis, Associated Oregon Industries Mary Wendy Roberts, Bureau of Labor & Industries Joyce Reinke, Department of Education Chris Dudley, Oregon School Boards Association Marvin Evans, Confederation of Oregon School Administrators Sharon Gray, Governor Robert's Office Ken Evans, Oregon Education Association Frank McNamara, Portland Public Schools Mike Holland, Office of Community College Services Mike Kaiel, Bureau of Labor & Industries

006 LEE PENNY, COMMITTEE ADMINISTRATOR: Summarizes the dash seven LC draft amendments dated 5/24 (EXHIBIT A): >Section four, page three, lines 14 and 15. Divided into three sections instead of two sections. Uses the word "encourage" instead of "expect". >Section 13, page eight, line two uses the phrase "state monies" instead of "basic school support". >Section 20, page 10, line 30. Uses the phrase "recommended structure" instead of "a weighted distribution formula".

040 REP. VERA KATZ: What does a recommended structure mean?

PENNY: The words plan, program or model could be used.

REP. KATZ: Is that looking at the basic school support formula and how the resources will be distributed?

REP. DELNA JONES: Whatever we have in terms of the plan for early childhood education. It should include a formula that looks at reducing the structure.

PENNY: We should say "funding formula" instead of "structure".

REP. JONES: That would be fine.

PENNY: Continues to summarize the dash seven amendments (EXHIBIT A): >Section 22, line 29, page 12. Changed the wording from "including but not limited to" to "may include but not limited to".

REP. KATZ: Could you repeat that?

PENNY: As HB 3565 read before, the school district would have to make every one of these services available to the student.

073 REP. KATZ: It says "that may include but not be limited to".

PENNY: Before it said "additional services available to the student including but not limited to". Continues to summarize the dash seven amendments (EXHIBIT A): >Section 22, page 13, lines 13-17. The Confederation of School Administrators misinterpreted the language. It sounded as if the attending district was going to get full payment from the district of residence along with state money. >Section 23, page 13 has been totally rewritten.

150 REP. KATZ: Refers to page 13, lines 29 and 30. Does not understand what that means.

PENNY: A child who is 16 or 17 years old, who does not have a Certificate of Initial Mastery can work on vocational and technical training when school is not in session.

REP. KATZ: If they are working on a Certificate of Initial Mastery it does not make any difference what else they do.

PENNY: What if they were doing some type of employment as part of their study program, would that not be possible?

REP. KATZ: If it leads to a Certificate of Initial Mastery.

REP. JONES: It appears to me lines 29 through 30 refer to the regulation of employment conditions while obtaining the certificate.

PENNY: This section would allow the student to obtain a permit to work.

REP. JONES: If the child is involved with obtaining a Certificate of Initial Mastery, we do not need rules.

183 REP. BRUCE HUGO: Refers to page 15, line 1. Have we defined a dropout? And what is the significance of four months?

JULIE BRANDIS, ASSOCIATED OREGON INDUSTRIES: If the school district has not made an attempt to get a student enrolled in a Learning Center after he or she has dropped out of school after a certain amount of time, that student should be exempt from the rules. This was a policy decision to be discussed by the committee.

REP. JONES: How would you feel if we took that portion out?

BRANDIS: That would be fine.

REP. MIKE NELSON: Would like to refer to the Oregon Education Association (OEA) amendments (EXHIBIT B) page 13, line 17 which discourage employment of a minor unless extraneous conditions exist.

258 REP. KATZ: The amendments state " By July 1, 1997, it shall be the policy of the state to discourage employment of a minor under 18 years of age". What does discourage employment mean?

REP. NELSON: That could be addressed by rule.

REP. KATZ: The Wage and Hour Commission?

REP. NELSON: That would be fine. No matter how stringent the amendments are, there will be children who are not going to attend school.

REP. JONES: Do we want to have a statute relating to the ability of children who do not attend school prior to 18 or do we want to state a policy and work towards that policy? That is the issue.

REP. NELSON: Is that not what the Oregon Education Association amendments do?

REP. JONES: The amendments are a policy decision.

291 BRANDIS: Could we not implement the Oregon Education Association amendments immediately?

REP. JONES: It would depend on what the committee wants to have happen.

REP. NELSON: The end result is to have all children in school. Realistically, that is not going to happen. We need to create a window for those few children to be employed in the work place without a Certificate of Initial Mastery.

REP. JONES: Concerned with children not being able to find employment and having to resort to illegal work. Would rather have a broad policy with some recognition of the fact that we have yet resolved the issue.

REP. NELSON: The other option would be to delete section 23.

330 MARY WENDY ROBERTS, BUREAU OF LABOR & INDUSTRIES: There is an attempt this session to convert the work permit system to a fee-based system. If the bill does not pass, there will be no work permit system. Suggests that section 23 be replaced by a general statement.

REP. KATZ: Are you referring to page 14, line 13? Are these not your amendments?

ROBERTS: No, they are not. If you want to generally prohibit the employment of minors under 18 years of age, who have not obtained a Certificate of Initial Mastery or are not enrolled in a program leading to a certificate, you want to provide for those exceptions.

435 REP. OAKLEY: Do you feel that your amendments (see EXHIBIT B from the May 20, 1991 meeting) will solve our problem of the emancipated child and any other situation that may come up?

ROBERTS: If you give the Wage and Hour Commission rule making authority.

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011 BRANDIS: In reference to the wage and hour rule, supports OEA's amendment (EXHIBIT B).

REP. KATZ: Feels OEA's amendment contains very soft language. We need to take the direction where a policy statement is made establishing rules and have the next Legislative Assembly review those rules.

BRANDIS: Needs to feel the issues that were presented (see EXHIBIT E from the May 20, 1991 meeting) will be taken care of.

REP. KATZ: You will have the opportunity to make those recommendations to the next Legislative Assembly.

ROBERTS: The administrative rules proceedings and the Legislature will both allow the opportunity to comment and change the rules in statute.

046 REP. JONES: The policy statement should indicate that we are not discouraging employment but encouraging education.

REP. NELSON: Would like to do the policy statement and rules now, instead of waiting until the next Legislative session.

REP. JONES: Being that the provision of HB 3565, section 23 is not going into effect until 1997 that should give us a lot of time to adopt whatever is decided to be placed into statute.

REP. BRUCE HUGO: We want the Wage and Hour Commission, through law, to

decide what we would like to have accomplished and allow the Legislature to review how it has been done and make changes, if necessary.

105 REP. KATZ: Rep. Jones, are you recommending that we make a policy statement?

REP. JONES: Would like to change the policy statement that OEA has submitted (EXHIBIT B) to reflect encouragement of education as opposed to discouragement of employment.

ROBERTS: Suggests that the committee makes it clear that it is acting in response to this legislation in reference to section 23.

REP. WALT SCHROEDER: Can we get some type of chart showing when various parts of HB 3565 go into effect?

PENNY: Yes.

MOTION: REP. JONES moves to make a part of section 23, subsection one the policy statement provided by OEA (EXHIBIT B) to encourage students to perform satisfactorily in the public school system prior to engaging in employment if under the age of 18 years. Subsection two would request the Wage and Hour Commission to adopt rules to implement this policy, to be reviewed by the next Legislative Assembly, but not to be implemented prior to July 1, 1997.

DISCUSSION TO THE MOTION:

170 ROBERTS: Did you want to put something in about the enforcement authority in section 23, subsection three?

REP. KATZ: Do you need subsection three?

ROBERTS: If you agree with these rules, you have to adopt another piece of legislation after that with the authority to specifically make lack of compliance for those rules.

REP. JONES: Would rather not include subsection three. The Legislative Assembly will have to review that authority and make changes, if necessary. It will give a comfort level that is needed.

REP. SCHROEDER: Would like to have Lee read the changes to be made in the policy statement submitted by OEA (EXHIBIT B).

PENNY: Summarizes section 23, subsection's one, two and three.

221 REP. NELSON: Commissioner, do you have adequate staff? Will there be a revenue impact?

ROBERTS: If the fee bill does not pass, there is no funding for the work permit unit. Anyone, after July 1, who wants to employ a minor will not be able to do so.

REP. JONES: What did you use for funding before?

ROBERTS: We used the general fund which was taken away in a Ways and Means Committee, replacing revenue with a fee bill.

REP. NELSON: The passing of HB 3565, as proposed, will it encourage or discourage the hiring additional staff to accomplish the tasks that would be assigned?

ROBERTS: Will be laying off 17 employees as of July 1. Has to deal with the present budget.

VOTE: Hearing no objection, Chair Oakley so moves.

267 PENNY: Continues to summarize the dash seven amendments (EXHIBIT A): >Page 15, line eight. Inserted the school year figures.

REP. JONES: Thought the Certificate of Initial Mastery was not going

into effect until July 1 of 1997? How can this read the 1996-1997 school year?

REP. HUGO: This section is exempting children whose programs are in place by then.

REP. KATZ: Does not feel the section is needed.

REP. OAKLEY: We will remove section 24 in its entirety.

300 PENNY: Continues to summarize the dash seven amendments (EXHIBIT A): >Section 27, page 18, line three. Changes the age 21 to 19 for the age limit that a student is entitled to a free education. >Section 27a, page 18, line 20. Changed the wording to "Certificate of Advanced Mastery" from "Initial Mastery".

REP. JONES: Could you explain line 22 on page 18?

PENNY: It was the circumstance of the child who might have been ill or injured at a younger age and missed a period of time in school where he or she may not have obtained all of the years of schooling.

350 REP. JONES: Would subsection (b) not take care of that?

PENNY: Not necessarily, there may be other circumstances.

REP. OAKLEY: Does this eliminate the possibility of a student who has figured out that the district could be responsible for their education beyond high school to receive community college education after they receive their Certificate of Advanced Mastery?

PENNY: The effort here is to stop free public education at the age of 19.

REP. HUGO: Would suggest lines 21 and 22 be deleted on page 18.

404 JOYCE REINKE, DEPARTMENT OF EDUCATION: Would like to reword line 20. There should be an insert stating "a Certificate of Initial or Advanced Mastery". You may have students at the age of 21 still working on a certificate.

PENNY: We may need to review section 27 again to make sure everything is in order.

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034 PENNY: Continues to summarize the dash seven amendments (EXHIBIT A).

REP. KATZ: Reviews amendments submitted by OEA (EXHIBIT B). Would like to have section 15 deleted.

119 MOTION: REP. KATZ moves that section 15 be deleted. Adds language to section 21 that will cover home school and private school students. In section 31, adds the Teacher Standards and Practices Commission.

DISCUSSION TO THE MOTION:

REP SCHROEDER: Rep. Katz, did you indicate that the authority in section 15 was somewhere else in statute?

REP. KATZ: The school boards have the authority in statute.

REP. SCHROEDER: The school board still has the authority?

REP. KATZ: For the 21st Century school program.

VOTE: Hearing no objection, Chair Oakley so moves.

131 MOTION: REP. JONES moves to adopt the dash seven LC amendments dated 5/24/91 to HB 3565 (EXHIBIT A).

DISCUSSION TO THE MOTION:

PENNY: On page one, line one of the dash seven amendments (EXHIBIT A) ORS 327 .006 needs to be inserted. It is being amended. On page seven, lines 28 and 29 change "Basic School Support Fund" to "state monies".

MOTION: REP. JONES moves to include the technical amendments to her original motion.

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

MOTION: REP. JONES moves that HB 3565 be referred to the floor with a "due pass" recommendation and that the subsequent referral to Ways and Means be rescinded.

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

202 CHRIS DUDLEY, OREGON SCHOOL BOARDS ASSOCIATION: Thinks HB 3565 is exciting and scary. We are asked to make changes in a system that has been slow to change. It will raise the expectations of public education for students. We have a challenge, as a statewide association of locally elected school officials, to help redefine the role of the school board.

301 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: The issues HB 3565 addresses are real issues. The system must change. HB 3565 represents rational risk-taking.

SHARON GRAY, GOVERNOR ROBERT'S OFFICE: Testifies in support of HB 3565.

REINKE: Testifies in support of HB 3565. The Board is very excited about it. Submits a timeline ranging from 7/1/92 to 2000 on the implementation and development of HB 3565 (EXHIBIT C).

381 KEN EVANS, OREGON EDUCATION ASSOCIATION: Testifies in support of HB 356 5.

FRANK McNAMARA, PORTLAND PUBLIC SCHOOLS: Concerned about page 13, line four of the dash seven amendments (EXHIBIT A). It appears that you are asking school districts to be responsible for family evaluation and social services. Thinks that is an inappropriate responsibility for the school districts to be expected to assume. Will suggest the language "referral to" be inserted when HB 3565 is heard on the Senate side.

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022 MIKE HOLLAND, OFFICE OF COMMUNITY COLLEGE SERVICES: Testifies in support of HB 3565.

MIKE KAIEL, BUREAU OF LABOR & INDUSTRIES: Testifies in support of HB 3565.

070 CHAIR OAKLEY closes work session and adjourns the meeting at 3:45 p.m. Written testimony submitted on HB 3565 (EXHIBIT D).

Submitted by: Reviewed by:

Karen Edwards Lee Penny Assistant Administrator

EXHIBIT LOG:

A - Amendments to HB 3565 - Staff 27 pages B- Amendments to
HB 3565 - Oregon Education Association - 8 pages C - Exhibit to HB
3565 - Joyce Reinke - 1 page D - Testimony on HB 3565 - Staff - 2
pages