

SENATE COMMITTEE ON EDUCATION

April 4, 1991 Hearing Room 343 3:00 p.m. Tapes 53 - 54 MEMBERS
PRESENT: Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice-Chair Sen.
Joan Dukes Sen. Peter Brockman Sen. Ron Grensky Sen. Paul Phillips Sen.
Cliff Trow STAFF PRESENT: Jan Barga, Committee Administrator Angela
Muniz, Committee Assistant MEASURES HEARD: SB 120 - Accountability in
Public Schools - WS

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.

TAPE 53, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 3:20 p.m.

SB 120 - ACCOUNTABILITY IN PUBLIC SCHOOLS - WORK SESSION: Witnesses:
Wayne Neuburger, Department of Education Greg McMurdo, Department of
Education Sue Violette, Employment Division John Danielson, Oregon
Education Association

CHAIR GOLD: SB 120 came from the Joint Interim Revenue Committee about
what education be and fund. The original version of SB 120 does not have
a subsequent referral to Ways and Means, but with the amendments maybe
it should. There are a number of goals in the bill that will cost money.
If the committee chooses to send the bill to Ways and Means, hopes we
have the commitment to see that it gets through.

059 SEN. GRENSKY: Why do we need to send this to Ways and Means. It is
a mandate to the superintendent. The Department of Education has a
budget, and if we tell them to do it, it is up to the department to find
the money. Is not sure we have to add additional funding for the bill.

CHAIR GOLD: Doesn't know if it would be additional funding. It won't get
passed on the floor with a \$200,000 cost.

SEN. GRENSKY: Wasn't aware of the new projected costs. Agrees that it
should go to Ways and Means. Senate Committee on Education April 4, 1991
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JAN BARGEN, Committee Administrator: Presents and explains the SB 120-1
amendments (EXHIBIT A). The amendments basically rewrite the bill. What
is added and taken out is seen in the hand engrossed version of the bill
(EXHIBIT B). 132 SEN. GRENSKY: Section 2 of the original bill had a
list of requirements that are replaced in the SB 120-1 amendments. Are
the requirements in the original bill fit into the new wording or are we
not capable of gathering the information?

JAN BARGEN: The original requirements are kept and reworded in the
amendments. They are incorporated in the goals.

SEN. GRENSKY: The information was valid. Will it still be in the bill?
Where are the results of the school standardization in the new bill?

BARGEN: It would be in the student access to support services. Section
2, sub 3.

SEN. GRENSKY: What is the misassignment of teachers in sub 4?

BARGEN: It is a typo, it should be assignment of teachers. A misassignment of a teacher is when a teacher is assigned outside his or her specialty.

167 SEN. GRENSKY: Why is that important?

CHAIR GOLD: It could pertain to the standardization efforts. It makes a lot of difference. Likes it stated in the positive, assignment, rather than the negative, misassignment.

SEN. PHILLIPS: Section 2, sub 2 moves responsibilities from the Department of Education to the Oregon Progress Board. It advocates that we shall follow the Benchmarks. It is broad and it removes legislators from gathering the information.

208 BARGEN: Left that in to help reduce the costs. If we listed the requirements that were in the original bill or SB 515, the report card bill, that the Education Department was starting because of the Benchmarks, the costs would have been attached to SB 120. By referring to the Benchmarks, the costs are attached to the Benchmarks bill.

SEN. TROW: Aren't we interested in "results" rather than "information" in that section? Information is so broad. Perhaps the bill should ask for results from the Oregon Benchmarks.

BARGEN: Or maybe just "general" information?

SEN. TROW: "Pertinent" information would be better.

CHAIR GOLD: Who was involved with you in that wording? Would like their opinions on the wording.

BARGEN: Wayne Neuburger from the Department of Education and Bill Drew from Sen. Jeannette Hamby's office.

245 WAYNE NEUBURGER, Department of Education: The recommendation to change the Senate Committee on Education April 4, 1991- Page 3

wording to pertinent information is appropriate. The state has a reporting system that Oregon Progress Report is putting together in the Benchmarks. Wants to coordinate with that system rather than duplicate information.

SEN. PHILLIPS: If the Department of Education isn't creative enough to gather information from other resources such as the Progress Board and it must be put in statute for them, then we are in trouble.

CHAIR GOLD: The purpose of bill is to build linkages with other activities taking place. It is not the department abdicating its responsibility.

SEN. PHILLIPS: It is not the department abdicating responsibility; it is us.

CHAIR GOLD: Doesn't agree. Substituting the word "pertinent" for "any" information limits the scope of the section.

SEN. TROW: If you are measuring education benchmarks, you are looking for results. Need to specify the information or the results we are

looking for. Somebody is going to ask the department what is pertinent and the department should know. 313 BARGEN: Continues explaining the SB 120-1 amendments at Section 2, sub 5.

SEN. BROCKMAN: Originally subsection 5 included gathering information on salaries. Why was that eliminated in the amendments.

BARGEN: It is difficult to gather in a way to make responsible comparisons to other districts and other budget information. This doesn't prohibit the department from gathering that information.

SEN. BROCKMAN: If we just allow them to do it, they probably won't.

354 BARGEN: There was also some discussion about the changing school funding system.

SEN. BROCKMAN: Will add that salary information be collected into the amendments.

SEN. DUKES: That information is available and was presented in the Revenue Committee.

CHAIR GOLD: This is something that you want to be intelligible to people who vote on the issues. The question is if information about the other districts interesting to them. Also need to keep the fiscal impact in mind. Adding additional information adds onto the costs.

SEN. TROW: This report will be made annually and will give some general information based on the specific information the districts give. It will also give an indication about progress of students in school districts.

402 BARGEN: Continues with amendments at Section 2, sub 6. It was in the original bill. Since the ents at Section 2, sub 6. It was in the original bill. Since the amendments were drafted, met with employment division and reworked the wording. The alternate wording is visible in the SB 120-3 amendments (EXHIBIT C). It would reduce the Senate Committee on Edttcration April 4, 1991 - Page 4

fiscal impact to the Education Department.

480 CHAIR GOLD: The recommendation is to substitute the SB 120-3 amendments for the Section 2, sub 6 in the SB 120-1 amendments.

TAPE 54, SIDE A

BARGEN: Continues explaining Section 2 of the SB 120-1 amendments.

030 SEN. TROW: So when the superintendent makes this report he or she will list every exemplary program in all the school districts?

BARGEN: The superintendent will list examples. Continues explaining Section 3 of the SB 120-1 amendments which deal with standards.

SEN. TROW: Is there a fiscal impact to the Section 3, sub 3? Do the schools conduct biannual self-evaluations now? BARGEN: The process is what we are moving to and what has been started.

070 NEUBURGER: Staffs at school districts that prepare for standards put a lot of time into preparing for the visitations.

SEN. TROW: That's a small number of the districts each year. Now you are asking all the -districts to do it every two years.

NEUBURGER: A sixth of the districts have visitations each year. Doing it biannually will save preparations time.

SEN. TROW: You are saying they won't have to do so much for each visitation because they will be more frequent.

NEUBURGER: Yes, many of the districts do this now. Any costs have been reflected in the fiscal statement.

SEN. TROW: One thing that experts say is bugging the system and costing more is all the reporting and unnecessary paperwork.

CHAIR GOLD: How do you know what you are doing has worth unless you record what you are doing?

SEN. TROW: Need to have a little faith in the schools. These reports cost more and doesn't think there will be much improvement when they are done.

SEN. GRENSKY: The standardization visits entail much more than what is envisioned in the self-evaluations in the SB 120-1 amendments. Can't imagine a district doing its job well without the evaluations. Senate Committee on Education April 4, 1991- Page 5

120 SEN. DUKES: Likes the setting of local goals and improvement of those goals in Section 3 of the amendments. If we still have local school boards after this session, wants this proposal put through a public hearing with local school boards.

NEUBURGER: Rep. Vera Katz education reform bill (HB 3565), has language similar to SB 120 in it. That bill has a section that deals with the involvement of community in the schools. That is not in SB 120.

SEN. DUKES: If SB 120 is the only one that is passed, will there be someone to make sure that there is community involvement with the biannual self-evaluation. Wants the self-evaluations to include public input.

BARGEN: The results of the evaluation are available to the public. Could add language to include public input in the evaluation.

CHAIR GOLD: It should be added in Section 3, sub 3. Line 8, page 3 of the SB 120-1 amendments.

SEN. DUKES: Suggests wording such as: "The self-evaluation process shall involve the public in the setting of local goals..."

175 SEN. PHILLIPS: Has the Department of Education adopted the education first mission statement (SEE EXHIBIT B, 2-26-91)? Why do we need a bill for you to do what you have already committed to in your mission statement?

NEUBURGER: Yes, the State Board of Education has adopted the mission statement and the goals. From the department's perspective, we will do what we have committed to whether SB 120 passes or not. Does not have the resources to reach the goals as they would like to.

SEN. PHILLIPS: What in your goals is expanded upon in the bill? What additional things are we putting in the statute?

NEUBURGER: The primary thing in SB 120 is Section 4 which establishes a statewide school information system. Need to establish an accessible schoolwide data base and generate school profiles. The focus will be on communications and using the information.

260 SEN. PHILLIPS: Everything else except for Section 4 will already be done in the department? The information asked for in Section 4 is already available. The new part of the bill is to give you the resources to collect existing information and format it so it is useful.

NEUBURGER: Yes. It is helpful for the Legislature to pass a bill even though the department is going to do these things because it shows the two agree on the goals.

SEN. PHILLIPS: The teachers only have so much time to teach. The more we ask them to - record, the more we take away from education time. You say this does not put any extra burden on them because they are already doing it, correct?

NEUBURGER: Yes.

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SEN. TROW: Isn't it true that what is in Section 4 is in the process of being implemented. It is not complete? NEUBURGER: Part of the assessment has been conducted. Testing has already started this year. 312 SEN. DUKES: When this report is finished, will we have taken a significant step forward for a better educated populous? NEUBURGER: Has some evidence to show that you have better schools when school boards and staff communicate. That is the intent of the self-evaluation. That doesn't happen consistently across the state now. SEN. DUKES: Are you saying it is going to cost \$100,000 every two years to get these people to talk to each other? 357 NEUBURGER: Is giving people data so they will have something to talk to each other about and expand on. Without the information to begin with, people have perceptions that may not be correct. SEN. DUKES: You are referring to different school districts or teachers within different school districts? NEUBURGER: It is the teacher within a school. SEN. DUKES: We are doing this report so the teachers within a school district can have a basis for discussion? CHAIR GOLD: We are doing it for more reasons than that. SEN. TROW: That reasoning was given for the competency program in 1975. That program was a fad and is no longer around. 407 CHAIR GOLD: This project started out on a different level. It started in Revenue as a project to share with the public the accomplishments of the school districts. Has been a teacher and shares concerns about busywork. We have a responsibility as legislators to provide replacement revenue and people need to have a reason to accept that. 453 SEN. PHILLIPS: Is concerned about the breadth of responsibility being taken on and thinks that school districts should take the lead for accountability reports. TAPE 53, SIDE B 033 BARGEN: Explains Section 6 of the SB 120-1 amendments. CHAIR GOLD: We have eliminated many of the sanctions and diminished the linkage to basic school support. Senate Committee on Education April 4,

068 GREG MCMURDO, Department of Education: On line 20, page 4 should refer to "Basic School Support" rather than "other state moneys". There are other state monies going to schools for expansion.

CHAIR GOLD: Should we do that even though we may develop something other than basic school support this session?

MCMURDO: Should keep existing language. Assumes Legislative Counsel will fix the bill if basic school support is changed.

BARGEN: This is the phrasing that Legislative Counsel drafted.

SEN. TROW: It is optional. The state board can withhold portions of basic school support if a school is found non-standard. MCMURDO: The wording in the amendments deviates from current law which references basic school support, not state monies.

SEN. DUKES: If the Education Department doesn't have the authority to withhold state monies, then it won't withhold anything.

100 BARGEN: Will relay the committee's concerns to Legislative Counsel. Continues explaining Section 6 of the SB 120-1 amendments.

140 MOTION: Chair Gold moves to delete the word "any" in line 3, page 2 of the SB 120-1 amendments to "pertinent". VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves to add "and salary data" after the word "funds" on line 13, page 2 of the SB 120-1 amendments.

SEN. TROW: Also would need to delete the word "and" in line 12, page 2 and insert a ",",

VOTE: In a voice vote, there were not objections.

MOTION: Chair Gold moves to delete lines 14-17 on page 2 of the SB 120-1 amendments and insert the SB 120-3 amendments.

SEN. TROW: Objects because is not sure what the Employment Division would do.

181 SUE VIOLETTE, Research Analyst, Occupational Program Planning System: Provides an information sheet to Sen. Trow about the occupational planning system (SEE EXHIBIT K, 3-21 91). Would be able to track the progress of high school students after graduation with the bill. Would also do longitudinal studies.

SEN. TROW: What would it tell you about those students that go on to college? Senate Committee on Education April 4, 1991- Page 8

VIOLETTE: Currently are working with community colleges to see which students go on to community college. Are trying to do the same for higher education. BARGEN: Students that go on to college wouldn't show up until they had a wage or salary job.

VIOLETTE: Yes, or until we can coordinate with higher education.

217 SEN. MCCOY: If there is going to be the cooperation between community colleges and the Employment Division, we should be able to track students when they leave high school.

SEN. TROW: Would students show up if they left the state?

VIOLEITE: No, are working with other northwest states to track those students.

SEN. TROW: The difference with this information is that it is incomplete. As good as the program may be it doesn't seem to fill in the gaps.

SEN. MCCOY: What you get from the employment figures is the break down of occupations. Will know how trends are developing in the state and region.

SEN. TROW: The information is valuable, but it doesn't seem to do what Section 2, sub 6 was meant to do. If you want to track graduates, this is good. If you want a complete picture, this is not good.

266 CHAIR GOLD: We could do both.

SEN. GRENSKY: The data is accurate. Had testimony that said we weren't in the position to randomly sample. It would cost too much. This is already taking place and is a way to start gathering information.

CHAIR GOLD: The wording of the amendment doesn't limit the information that can be collected.

VIOLETTE: The potential for the system is to provide that information. This is one step in that direction.

BARGEN: The missing piece to gathering complete information is the Social Security Number.

310 SEN. TROW: Withdraws the previous objection.

VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves to insert "The self-evaluation process shall involve the public in the setting of" before "local goals" on line 8, page 3 of the SB 120 1 amendments. VOTE: In a voice vote, there were no objections. Senate Committee on Education April 4, 1991 - Page 9

MOTION: Chair Gold moves to delete the words "the state monies" and insert "Basic School Support" on line 20, page 4 of the SB 120-1 amendments. VOTE: In a voice vote, Sen. Trow and Sen. Grensky object. SEN. TROW: State monies, in the long run, are the monies that the State Board of Education has some ability to influence. It is not mandatory.

SEN. GRENSKY: Agrees with Sen. Trow. If we do change or rename Basic School Support, then will have no leverage over school districts that do not comply.

362 MOTION: Chair Gold moves to insert the word "consistent" after the word "and" on line 13, page 5 of the SB 120-1 amendments. VOTE: In a voice vote, there were no objections. CHAIR GOLD: Requests that all typos and misspellings identified by the administrator be corrected in the SB 120-1 amendments. SEN. PHILLIPS: The bill mixes responsibilities between the superintendent and the board of education. Needs to be some review process if schools do not believe their funds have been withheld for a good reason. 423 CHAIR GOLD: What would you like to see in the bill? SEN. PHILLIPS: There needs to be a quick appeals process. The

process is open to politization and could be detrimental to some school districts. SEN. MCCOY: The board of education would be where the superintendent would go for review. 450 SEN. PHILLIPS: Is referring to lines 9-12, page 5 of the SB 120-1 amendments. There should be a review process because Basic School Support can be withheld. The process can potentially become political. Where would the process be appealed? MCMURDO: Line 10, page 5 should change Basic School Support to state monies to be consistent. Under current law, the district would have to go to court to appeal the decision of the superintendent. TAPE 54, SIDE B 030 SEN. PHILLIPS: So automatically, if the plan is submitted late, funds are withheld and the superintendent is the sole authority, doesn't it make sense to have a different review process other than the courts set up? MCMURDO: Replacing the superintendent with the board won't make a difference. Need to add language for an appeals process. Senate Committee on Education April 4, 1991- P - e 10

SEN. PHILLIPS: Wanted the committee to be aware of what could possibly happen. It will make some people nervous.

MCMURDO: Doesn't believe a superintendent would withhold funds for political reasons, but it is a valid concern.

SEN. MCCOY: Can't the superintendent withhold funds now?

SEN. TROW: Yes, if a district is found substandard. This bill requires school districts to do something every year. If they don't, can they be found substandard even if they are standard in every other way?

CHAIR GOLD: ORS 327.103, sub 4 allows superintendent to withhold school funds.

SEN. PHILLIPS: It is the same language. Is concerned because the committee is adding that in the law because of paper work requirements.

CHAIR GOLD: We could delete the section in the amendments and then current law would prevail.

SEN. PHILLIPS: We have added another level on the current statute. Is this new level just more paper shuffle or is it a pro-active tool?

CHAIR GOLD: Do you want us to improve on current statute, or to delete the part in the amendments?

SEN. TROW: We need to know the intent. Is the intent that schools are substandard if they don't present this plan adequately?

SEN. PHILLIPS: If that is not the intent, should clarify the language.

SEN. GRENSKY: People who have testified have not raised opposition to this portion of the bill. Feels comfortable with it and does not think the concerns are necessary.

120 JOHN DANIELSON, Oregon Education Association: Comments on the hand-engrossed version of SB 120. The amendments remove most of what he originally objected to. There is not a lot of money available for schools in the future. Need to think about new obligations you are putting on schools. It is odd that the board of education says it will do everything in the bill but needs it law before it does it. Will have substandard districts if they don't have money. The way to correct the problem is not to withhold the funds they are getting. Doesn't think

that will happen. Is not enthusiastic about the bill, but does not object to it.

170 CHAIR GOLD: If lines 9-12, page 5 are of concern, then we should delete them.

SEN. PHILLIPS: That is existing law, we can't delete it.

CHAIR GOLD: But if it concerns you in the bill, we can take it out.
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SEN. PHILLIPS: Will need to change the current law. Taking it out the bill doesn't resolve the issue.

CHAIR GOLD: Do you want it out of the law?

SEN. PHILLIPS: The self-evaluation reporting procedures should not jeopardize school funding.

SEN. MCCOY: This has been in the law and has never been used. It doesn't matter if it is there or not.

203 SEN. PHILLIPS: The point is that this self-evaluation procedure is new.

MOTION: Chair Gold moves line 9-12, page 5 of the SB 120-1 amendments be deleted. VOTE: In a voice vote the motion is rejected.

MOTION: Sen. Phillips moves to conceptually amend lines 9-12, page 5 of the SB 120 1 amendments to say that "any district failing to submit a plan in the time specified shall be exempt from the existing requirement." They shouldn't be penalized by withholding Basic School Support.

BARGEN: The new requirement you are referring to is the self-evaluation outlined on page 3, lines 5-15.

SEN. BROCKMAN: Does this mean that the failure to submit the paperwork does not make you substandard?

SEN. PHILLIPS: Yes.

SEN. GRENSKY: This is an issue that is not addressed in the bill.

SEN. PHILLIPS: It is in the bill. It adds new requirements to existing statute.

SEN. GRENSKY: That is another issue that deals with standardization as well as the evaluation process. Objects to the amendment.

VOTE: In a roll call vote, the motion carries 4-2-1. Voting AYE: Sen. Brockman, Sen. Phillips, Sen. Trow and Chair Gold. Voting NAY: Sen. Grensky and Sen. McCoy. Excused: Sen. Dukes. 255 BARGEN: Repeats the conceptual amendment just passed.

CHAIR GOLD: Does the committee want to state purposes of the act in the bill?

BARGEN: Presents the SB 120-2 amendments (EXHIBIT D). It states the purposes of the report card portion of the bill as presented in SB 515. Presents document with purpose statement language and a suggested

re-ordering of SB 120 (EXHIBIT E). Senate Committee on Education April 4, 1991 - P - e 12

315 MOTION: Chair Gold moves to add the purpose statement as Section 1 in SB 120 (EXHIBIT E). SEN. BROCKMAN: Does that strike anything we just amended? CHAIR GOLD: No, it adds a section to the bill stating the general purpose. SEN. MCCOY: Do you want the private schools included in the purpose statement? CHAIR GOLD: Does not want to address that issue yet. SEN. TROW: Suggests changing the word "creating" a system of accountability. CHAIR GOLD: Changes the word "creating" to "further". BARGEN: Notes that on EXHIBIT E, "purpose" would be the likely title of the section. Such suggested section titles wouldn't appear in the bill and they would apply for all in EXHIBIT E. VOTE: In a voice vote, there were no objections. MOTION: Sen. McCoy moves adding the language outlined as Section 7 in EXHIBIT E to Section 2 of the SB 120-1 amendments. SEN. TROW: Is the word "monitor" appropriate? What does it mean here? SEN. MCCOY: It means to keep on top of the trends among school districts. CHAIR GOLD: Is that what LC gave us? BARGEN: It came from SB 515. SEN. GRENSKY: How about "assess" instead of "monitor". SEN. PHILLIPS: "Identify" would be better. CHAIR GOLD: LC gave us "monitor" that is what we will use. VOTE: In a voice vote, there were no objections. 415 CHAIR GOLD: Will not move the bill today because wants to see it in the final form with the changes in the amendments. Wants a different order for the sections in the bill as suggested in the outline (EXHIBIT E). MOTION: Chair Gold moves to reorder SB 120 as outlined in EXHIBIT E. VOTE: In a voice vote, there were no objections. MOTION: Sen. McCoy moves for adoption of the SB 120-1 amendments as amended. . Senate Committee on Education April 4, 1991- Page 13

SEN. TROW: Requests a roll call vote. VOTE: In a roll call vote, the motion carries 4-2-1. Voting AYE: Sen. Brockman, Sen. Grensky, Sen. McCoy and Chair Gold. Voting NAY: Sen. Trow and Sen. Phillips. Excused: Sen. Dukes. 480 CHAIR GOLD: Adjourns the hearing at 5:15 p.m Submitted by: Reviewed by: Angela Muniz Jan Barga Assistant Administrator

EXHIBIT LOG: A - Amendments to SB 120 - Staff- 5 pages B - Hand-engrossed version of SB 120 - Staff - 5 pages C - Amendments to SB 120 - Staff- 1 page D - Amendments to SB 120 - Staff- 1 page E - SB 120 purpose statement - Staff- 1 page