

SENATE COMMITTEE ON EDUCATION

May 16, 1991 Hearing Room 343 3:00 p.m. Tapes 81- 82
MEMBERS PRESENT: Sen. Shirley Gold, Chair Sen. Joan Dukes Sen. Ron
Grensky Sen. Paul Phillips Sen. Cliff Trow MEMBER EXCUSED: Sen. Peter
Brockman Sen. Bill McCoy VISITING MEMBER: Rep. Bruce Hugo STAFF
PRESENT: Jan Barga, Committee Administrator Angela Muniz, Committee
Assistant MEASURES HEARD: HB 2095 - Substitute Teachers' Salary - PH,
WS HB 2105 - Immunization Laws - PH, WS HB 2118 - Conforming to Special
Education Laws - PH HB 2099- Directory Information in Student Records -
PH

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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 81, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 3:20 p.m. HB 2095 -
SUBSTITUTE TEACHERS' SALARY - PUBLIC HEARING: Witnesses: Rep. Bruce
Hugo, District 1

013 REP. BRUCE HUGO, District 1: Presents HB 2095. Existing law says
that if a teacher works in the same position for the same school
district for 10 consecutive days or more, than compensation changes.
Most districts follow this law but others count the consecutive days
differently. For example, if the school closes because of snow, they
will start the 10-day count over. The bill also establishes the minimum
salary of a half-day pay for a substitute. Also if a teacher is called
in for 10 consecutive half days the bill would apply to them. There was
little opposition from the House. JAN BARGEN, Committee Administrator:
Notes for the record a statement from the Oregon School Boards
Association (EXHIBIT A). SEN. TROW: OSB A s letter says it wants to
treat substitute teachers fairly and supports collective bargaining.
Substitute teachers don't get to participate in collective bargaining do
they? senate committee on Education May 14 1991 rage 2

REP. HUGO: No, they don't. One issue not dealt with is that some
districts are not complying with PERS requirement for substitute
teachers. There is no need to change the law, only to educate districts
about the PERS statutes.

053 SEN. GRENSKY: How is a substitute teacher paid under the current
system if the teacher works a little more than a half day? REP. HUGO: It
varies from district to district.

SEN. GRENSKY: And the bill would require that the teacher receive a full
day's pay. Does the consecutive school days vary from district to
district too?

REP. HUGO: Yes, there is a question about what constitutes 10
consecutive days. The bill clarifies how days will be counted.

SEN. GRENSKY: What brought this issue to your attention? REP. HUGO: A
substitute teacher in Rainer brought it to him. The bill clarifies the
intent of the law.

SEN. GRENSKY: Are most school districts following the law now?

REP. HUGO: Out of 300 school district 6-12 are not complying. The only recourse for substitute teachers that feel they have been wronged is to come to the Legislature.

HB 2095 - SUBSTITUTE TEACHERS' SALARY - WORK SESSION:

MOTION: Sen. Trow moves for passage of HB 2095.

VOTE: In a roll call vote, the motion carries 6-0-2. Voting AYE: Sen. Dukes, Sen. Grensky, Sen. Phillips, Sen. Trow and Chair Gold. Excused: Sen. Brockman and Sen. McCoy. Sen. Trow will lead the floor discussion.

HB 2105 - SCHOOL IMMUNIZATION LAWS - PUBLIC HEARING: Witnesses: Art Keil, Health Division Dr. David Fleming, Health Division Lorraine Duncan, Health Division Merrily Haas, OAEYC

114 BARGEN: Presents a technical amendment that would remove a comma from page 5 of the bill (EXHIBIT B).

129 ART KEIL, Oregon Health Division: Presents written testimony in support of HB 2105 (EXHIBIT C). Preschool and college students are not covered by the immunization laws passed in 1981. This bill would include those groups of students. Another technical amendment that he would like addressed is on page 3. Would like (b) added to line 23 so the bill would read "(a) or (b) or (d)." Believes the omission of "(b)" was unintended. - Senate Committee on Education Ma, 161991- Page 3

200 DR. DAVID FLEMING, Deputy State Epidemiologist, Oregon Health Division: Presents written testimony in support of HB 2105 (EXHIBIT D). Explains the Health Division's reasons for the bill. Measles is the most predominate disease that needs to be prevented in college students.

243 SEN. TROW: Is there any way to know the extent that college students are immunized?

FLEMING: Because school immunization laws are in effect nationwide, many students in college now were immunized in grade school. That is not quite the case in Oregon. It has just been discovered that a booster dose for measles is needed. Essentially, no one in college is protected.

SEN. TROW: How does this bill relate to the measles problems in colleges?

FLEMING: Students must show proof of two doses of measles vaccine prior to completing their first year of college.

SEN. TROW: They can get in, but they must be immunized sometime during the first year. FLEMING: Colleges are given the flexibility to implement the regulation.

SEN. DUKES: What if you have had measles? FLEMING: Most college students have not had measles. There is a cut off date. People born before 1957 are most likely to have had measles. People born after that year will have to show solid documentation that they have had measles.

SEN. TROW: Can you get measles again?

FLEMING: No, but there are instances where it appears a person has had it twice.

SEN. DUKES: The cut off date will help some of the older college students who can't remember if they had measles or not. What if someone was born in 1960 and thinks they had the measles but can't prove it?

307 LORRAINE DUNCAN, Health Division: The person must show adequate documentation. It is better to get the second dose if they can't find proof.

FLEMING: Studies have shown that many parents do not remember accurately what diseases the child has had.

SEN. GRENSKY: It is better safe than sorry. The shot does not cost much.

FLEMING: The measles vaccine is effective, safe and is available free of charge in many public clinics.

MERRILY HAAS, Executive Secretary, Oregon Association for the Education of Young Children: Presents written testimony and suggests amendments (EXHIBIT E). Should make

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methods available to seek out less accessible, under-immunized children such as migrant and homeless children. A way to expand the bill in this direction but within resource limitations would be to delete on Page 1, lines 15-16 "to a total of 11 or more children". This would allow the Health Division to set rules on which programs it will monitor for immunization, but it would be on statute that all children need to be immunized.

422 SEN. TROW: Would like to do as much as we can to get children immunized. If we can't do that because of lack of funds, does it make sense to do this much now?

HAAS: That is why she is asking the committee to put in statute the policy to have all children immunized and put in rule which programs the Health Division will monitor.

SEN. TROW: When you require all and don't require the funding for all, it leads to liability problems.

HAAS: The state does this in automobile liability insurance. It is mandated, but not enforced unless the driver is checked.

SEN. TROW: That is an individual responsibility of adults. Immunizations are for children that the state takes a major part in providing.

HAAS: This would place the responsibility on the parents, and parents pay for a majority of the immunizations in the state.

SEN. TROW: But the state is responsible for a number of immunizations.

HAAS: Yes, but to have a policy that says in principle, all children should be immunized is a good statement to make.

CHAIR GOLD: Is the wording "a total of 11 children or more" compromise language on the House side?

HAAS: It was a compromise in the sense that the county health department asked how to find the unregistered family day care homes. The county health department can keep that standard in rule if they like.

490 KEIL: Doesn't have a specific concern. The number of children terminology was set by the coalition that introduced the bill.

TAPE 82, SIDE A

033 SEN. PHILLIPS: Were these concerns discussed by the committee?

KEIL: The wording in the bill was a compromise.

SEN. GRENSKY: Why, what is wrong with this idea?

DUNCAN: The committee worked with the wording with Ms. Haas. The Health Division ~

lbee minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report speaker's exact words. For complete contents of the proceeding, please refer to the tapes. doesn't oppose the idea. The division could still exempt family day care facilities by rule.

CHAIR GOLD: Who decided that this wording would go in?

HAAS: The advisory committee to the Health Division was looking for wording that wouldn't overburden the department and cover as many children as possible. The bill also give the division flexibility, though, to chose which programs it will monitor and set rules. 062 SEN. DUKES: Do you have to have 11 or more children to be certified for day care? HAAS: No. If you have fewer than 11, you are not regulated by the state. If you have six or more children you can register voluntarily with the state.

SEN. DUKES: At what point must you be certified for day care?

HAAS: If you have 12 or more children and are operating for more than four hours a day.

SEN. DUKES: How do you find those people if they don't have to be licensed or certified? HAAS: Part-day preschool programs are similar. They do not have to be registered and are also included in the bill. It is up to the Health Division to find and monitor the programs. It will be the same with family day care. By rule, the division can exempt programs from the monitor process. The bill doesn't say there should be an exemption of those children being immunized.

100 DUNCAN: The division has the same problem with private schools and reporting immunization laws. They are not required to register with anyone and it is hard to locate some of them. The health departments have done an extensive job of listing private schools. They will be able to do the same with day care centers. SEN. DUKES: Then don't you have to make a determination on whether it is preschool or just basic child care?

DUNCAN: The definition just says 11 or more children. It could be day

care or preschool. SEN. DUKES: This amendment says if you care for children. Is a person who is baby sitting be required to verify that the children had been immunized?

DUNCAN: The health division would exempt family day cares in the rules. Ms. Haas is saying that sometime in the future, when resources are available, the division could change that rule and work on monitoring family day care settings. It is easier to amend administrative rules than to come to the Legislature and change statutes.

SEN. DUKES: Technically, the amendment would require a baby sitter to make sure the children were immunized.

DUNCAN: Unless the Health Division exempted the person, which it would do. HAAS: The statute says that the parent must provide that information to the sitter.

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SEN. DUKES: Could a person be sued for taking care of several children and one spreads a disease to the others?

CHAIR GOLD: You can be sued for anything.

SEN. DUKES: But the law says that the person caring for the children had to be notified by parents about immunization. The care provider would have been negligent.

CHAIR GOLD: That could pertain to the whole bill, not just in instances of 11 or more.

SEN. DUKES: But when you have 11 or more children, it is a more organized system and expects more precautions.

152 SEN. TROW: What would happen if the committee adopted the suggested amendments? What would your agency be required to do?

KEIL: The division would write in the exemptions as it reads already, otherwise there would be substantial cost to county health departments.

SEN. TROW: Does it make sense to amend the law to include all children be immunized even though it wouldn't be done right now because of the cost?

KEIL: It would be fine. It would be easier to have the provision there instead of coming back to the Legislature next session.

CHAIR GOLD: Giving you the latitude to set rules would mean that you could adapt the rules when it was appropriate and funds were available.

SEN. TROW: Would we have trouble from the House if we amended the bill?

KEIL: That is a concern. The issue was not discussed in the House.

BARGEN: Has discussed the bill with House staff and thinks the House will concur.

CHAIR GOLD: Presents testimony from Oregon Student Lobby in support of HB 2105 (EXHIBIT E;).

HB 2105 - SCHOOL IMMUNIZATION LAWS - WORK SESSION:

200 MOTION: Chair Gold moves to delete the phrase "to a total of 11 or more children." on lines 15-16 on page 1 of HB 2105-A.

VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves for passage of HB 2105-A as amended to the floor. VOTE: In a roll call vote, the motion carries 6-0-2. Voting AYE: Sen. Dukes, Sen. Grensky, Sen. Phillips, Sen. Trow and Chair Gold. Excused: Sen. Senate Committee on Education May 14 1991 Page 7

Brockman and Sen. McCoy. Sen. McCoy will lead the floor discussion.

Work Session on HB 2105 re-opens on page 7.

HB 2118 - CONFORMING TO SPECIAL EDUCATION LAW - PUBLIC HEARING:

Witnesses: Karen Brazeau, Department of Education

KAREN BRAZEAU, Department of Education: Explains the bill. It updates laws for the Schools of the Blind and Deaf and conforms them to federal standards.

265 BARGEN: Presents and explains amendments to HB 2118 (EXHIBIT G). It deletes two sections of the bill that are in statute. BRAZEAU: The statutes this bill repeals are antiquated and not used anymore. SEN. TROW: Section 2, subsection 4 takes out the same language that you put back in at Section 6. BRAZEAU: The intent is to take it out of this statute and put it in the statutes that deal with special education in general. It already is in those statutes for special education, so it is redundant in the bill.

HB 2105 - SCHOOL IMMUNIZATION LAWS - WORK SESSION:

320 MOTION: Sen. Dukes moves to reconsider the vote that sends HB 2105-A to the floor. VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves to insert "(b)" on line 23, page 3 of HB 2105-A and to remove the first comma on page 5; line 16. VOTE: In a voice vote, there were no objections. MOTION: Chair Gold moves for passage of HB 2105-A as amended to the floor. VOTE: In a roll call vote, the motion carries 6-0-2. Voting AYE: Sen. Dukes, Sen. Grensky, Sen. Phillips, Sen. Trow and Chair Gold. Excused: Sen. McCoy and Sen. Brockman. Sen. McCoy will lead the floor discussion.

HB 2099 - DIRECTORY INFORMATION TO STUDENT RECORDS - PUBLIC HEARING:

BARGEN: Explains bill. It defines directory information for student records. Parents and the child must agree to release the student's records.

CHAIR GOLD: What is the law currently?

425 BARGEN: Currently, if the student is a minor, must have the consent of the parent and the student. If the student says no, the parent cannot say yes and release the information. If the . . . There minutes contain verbatim which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete content of the proceeding, please refer to the transcript. Senate C_ - May 16 1991 - rue t

student says yes and the parent no, then information is not disclosed and goes against the student's wishes. CHAIR GOLD: Who were the original requestors? BARGEN: It was brought before the interim by OSB A. Their interest is in establishing the "directory information" privileges. 490 CHAIR GOLD: The bill was not in House Education; it was in House Judiciary. There was opposition to it on the floor. TAPE 81, SIDE B 035 SEN. DUKES: What do you use directory information for? BARGEN: It is information such as the individual student information in athletic team programs or announcements regarding honor students. That information currently requires a signed release, although the law has only recently been interpreted that way. Districts are in violation of the law if they print the information without permission. SEN. DUKES: If it is part of the school records, then it is confidential. But lining a team up and asking how much they weigh and how tall they are is not confidential. CHAIR GOLD: So House Judiciary liked the bill but wanted the parents involved and 15 House members didn't agree with that. SEN.GRENSKY: Don't parents have to be involved anyway when a minor is involved? SEN. DUKES: The proposal is to allow the minor to authorize release of information if they are in a criminal court proceeding even if the parents didn't want the information released. SEN.GRENSKY: Doesn't think the law allows that. Doesn't think Oregon recognizes minors. Asks staff to check with Legislative Counsel. 073 BARGEN: Explains the progress of the bill on the House side. SEN.TROW: Wants to know how great is the problem. 085 CHAIR GOLD: Will get people who can answer the questions. Adjourns the hearing at 4:20 p.m.

Submitted by:

Reviewed by:

Angela Muniz

Jan Barga Assistant

Administrator

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EXHIBIT LOG: A - Testimony on HB 2095-A - Karen Hafner - 1 page B - Amendments to HB 2105-A - Staff- 1 page C - Testimony on HB 2105-A - Art Keil - 5 pages D - Testimony on HB 2105-A - David Fleming - 5 pages E - Testimony on HB 2105-A - Merrily Haas - 2 pages F - Testimony on HB 2105-A - Lynn Pinckney - 1 page G - Amendments to HB 2118-A - Staff- 1 page

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