

SENATE COMMITTEE ON EDUCATION

May 30, 1991                      Hearing Room 343 3:00 p.m.                      Tapes 91- 93  
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 Bargen, Committee Administrator  
Angela Muniz, Committee Assistant MEASURES HEARD:                      HB 2820 - Home  
Schooling Requirements - PH

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TAPE 91, SIDE A 005 CHAIR SHIRLEY GOLD: Calls the hearing to order at 3:15 p.m.

HB 2820 - HOME SCHOOLING REQUIREMENTS - PUBLIC HEARING: Witnesses: Rep. Bruce Hugo Sen. Jim Bunn Dennis Tuuri, Parents Education Assoc. Roy Burkett, homeschool parent Gerald Clark, homeschool parent Dale Weight, State Board of Education Kirk Bumcroft, school administrator and teacher Allan Thede, Oregon Association of Education Service Districts (OAESD) Kim Gordon, Home Education Network of Oregon Ann Lahrson, homeschool parent Velma Hartwig, from Lincoln county John Hunger, homeschool parent Dr. James Hoge Phil Frinch, from Grants Pass

018 REP. BRUCE HUGO, District 1: Reviews why the Legislature set guidelines for homeschooling in 1985. The new policy required homeschooling parents to notify the superintendent of the ESD in which they lived and have their child tested. If the student had not made satisfactory progress, the superintendent could ask that the child be returned to public school. The State Board of Education adopted administrative rules. > Last year the state board started discussing new proposed rules. HB 2820 simply codifies the administrative rules that were adopted after the 1985 legislative session. > Outlines the provisions in HB 2820. Senate Committee on Education May 30, 1991 - Page 2

> The issue does not touch on participation by homeschool students in public school activities or services.

065 SEN. RON GRENSKY: You are concerned that the administrative rules proposed by the state board are ones that the homeschoolers will not like because they will not work as well as what exists?

REP. HUGO: That is correct. The major area of the bill is on page 2, starting at line 19, concerning how it is determined if a child has not made satisfactory progress. Current law deals with an area called 15th percentile. The state board wants to change the mechanism for when satisfactory progress was not being met. There may be justification for feeling threatened in the homeschool community. This bill may establish a level of comfort we can all live with. SEN. GRENSKY: We do things here that may seem administrative rather than legislative. I am concerned we may be getting into something that we are not qualified to determine. Administrative agencies are supposed to be able to do this. We are supposed to set policy.

REP. HUGO: The bill puts administrative rules into law precluding the board from setting a policy that may be unpopular. In the 1985, the Legislature became involved in this issue because the state board was

not addressing the fact that every school superintendent had a different homeschool policy.

120 SEN. JIM BUNN, District 15: Presents written testimony as a homeschool parent in support of HB 2820 (EXHIBIT A). > Points out that the trust between those people who are homeschooling and the State Board has been shattered and must be rebuilt. , . 210 SEN. CLIFF, TROW: One of the reasons people have become concerned is because of the school choice initiative that was on the ballot last time. That initiative would have given vouchers or public support to private schools and homeschoolers. Are you in favor of public support for homeschooling? SEN. BUNN: I voted for the initiative but thought it was a mistake to include the public support provision with the school choice provision. SEN. GOLD: I admire the organization of your group, but I don't appreciate being quoted of what I believe in without being contacted by the source that is quoting me (as occurred in one pro-homeschooling newsletter recently and which generated many hostile calls to various legislative offices). 322 DENNIS TUURI, executive director, Parents Education Association: Apologizes on behalf of the homeschool community for the phone calls and misquoting of Chair Gold's position. ~ Provides a handout clarifying the intent of the 1985 legislation (EXHIBIT B). We understood why the state board was considering new administrative rules because of Measure 11. After the measure was defeated, the board has continued to pursue those rules. A new draft of the rules provides that a 5 percent drop in either math scores or reading scores would remand the child to public school. A five percent on an achievement test score is statistically insignificant. An antagonism toward homeschoolers seems to have entered into the process.

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> Reviews written testimony prepared by the Home School Legal Defense Association (EXHIBIT C). > Points out that compliance from homeschoolers has gone up 300 percent since the legislation was enacted in 1985 and the rules were adopted. > The state board did not use the homeschool data collected for the past five years when drawing up their rules. > Explains how their trust of the state board was aggravated during the House hearings and work sessions on this bill.

TAPE 92, SIDE A

034 TUURI: This bill also cleans up the procedures for the ESDs and addresses the ELS testing. Both those things cannot be accomplished through rule. They have to be accomplished through statute. ~ Points out that HB 2820 clarifies the intent of the 1985 legislation and was unanimously passed in the House. > Since the policy statement adopted by the state board called for statutorily defined assessments of homeschoolers, we thought we were acting in conjunction with the board. > The bill allows for an oversight provision instead of a remand back to public school.

SEN. TROW: Who pays for the qualified person to monitor and supervise the child's education as required in the bill?

TUURI: The parents will pay for the costs.

SEN. TROW: How do we know someone is well-qualified?

TUURI: The person must have a current Oregon teaching certificate.

SEN. TROW: What about qualifications of the teacher in the area being taught?

TUURI: We are dealing mostly with elementary school children. They are not subject specific.

SEN. TROW: Most homeschoolers are sincere but there are others who take advantage of the law.

TUURI: Yes, and that is why compliance is important. It helps to weed out the people who are trying to duck the system.

132 ROY BURKETT, a homeschool parent: Presents written testimony in support of the bill (EXHIBIT D).

208 GERALD CLARK, homeschoolers in Benton county: The proposed state board rules would penalize a student even if his or her scores are high. Equality does not seem evident. > HB 2820 will protect us by the apparent bias as viewed by homeschoolers. SEN. GRENSKY: How do homeschool children socialize?

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BURKETT: There are a variety of ways. There are homeschool organizations that provide support and social activities.

SEN. GRENSKY: Not all homeschoolers do that?

BURKETT: This is true. Believes public schools where children are all the same age is an artificial method of socialization.

CLARK: Comments about socialization of homeschoolers.

375 DALE WEIGHT, vice chair, State Board of Education: The state board is opposed to this bill. > Language in portions of the bill could result in some children not receiving an adequate education. > Explains that the state board continues to support the concept of home schools. > Under the current rules, parents who homeschool do not need to be certified teachers or have the minimum requirements for education. > Last year, 20 percent of the students enrolled as homeschoolers did not take the annual achievement test. If the test results are below the 15th percentile for that grade level, the student is referred back to public school. > This bill is a result of the homeschoolers' dissatisfaction with the desire of the Department of Education and state board's efforts to increase the quality of education for all Oregon students. > The proposed new rules would raise the level of performance for homeschooled children from the 15th percentile of their grade level to the 25th percentile. > During the public hearings on the proposed rules, an ambiguity was discovered in the proposed rule specific to percentiles and to NCE points. The rules were revised removing the ambiguities.

TAPE 91, SIDE B

028 WEIGHT: Today, you are being asked to exempt the homeschool children from any supervision by the Department of Education except that which is specific within statute. Approval of this bill provides for the Legislature to become the Department of Education for the homeschool children. > Lists the parts of HB 2820 that the board objects to. > Currently, local school districts refer children who fall below the 30th percentile for remediation. > The passing score for a GED certificate requires a score equal to the 50th percentile of the scores obtained by graduating high school seniors.

056 SEN. TROW: I thought a previous witness said the 15th percentile was the same as the GED requirement. You are saying it is not?

WEIGHT: No, it is not. The amended bill states homeschool children would be subject to statewide testing after the 1992-93 school year. The test by statute could not be used to assess educational progress. The state board is concerned with the children who do not score so well and do not have such dedicated parents.

SEN. DUKES: Which sections of this bill would be detrimental to homeschool students? - lba" mnoter co~in materials which paraphreac ant/or wmmarize ~atements 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. - Senate Co ~ nittee on Education May 30, 1991- Page 5

WEIGHT: Explains why establishment of the 15th percentile is the most detrimental. We need to raise the standard.

SEN. DUKES: I am not sure we are trying to hold these folks up to a higher standard than we are willing to meet as a state.

WEIGHT: The disadvantage in the public school and not in the homeschool is the involvement of the parent. SEN. DUKES: Assuming they use them properly, homeschoolers have methods available to them that we are trying to pass legislation to get to in our public education. We are trying to get to statewide testing but not for passage or failure of a student. WEIGHT: Talks about a statewide testing system. We are naive if we think the test is not going to be used for comparison purposes.

186 SEN. GRENSKY: I am troubled you are concerned about the 5,000 homeschoolers in this state when 9,000 students dropped out of school last year. Until we clean up our act in the public schools, I don't think homeschoolers should be expected to meet higher standards than what the public schools are requiring. Why is the 15th percentile not adequate? WEIGHT: Explains how the 15th percentile decision was made. The state board is concerned about putting into statute something that may become a base level and students are not encouraged to do better. The issue is not the 15th percentile, it is what goal we are willing to establish for these students. SEN. GRENSKY: If all the kids in public schools are not being tested, how do we know how they are doing? WEIGHT: We have other testing in public schools. 269 SEN. PAUL PHILLIPS: What percentage of students would be under 15 percentile? WEIGHT: About 12-15 percent would be below the 15th percentile. This is based only on 7? percent of the students who recently took the test. SEN. PHILLIPS: We have no comparison to the public schools. WEIGHT: There are comparisons that can be done through the NCE method. 296 KIRK BUMCROFT, school administrator and teacher from Oregon City: Reviews information he has concerning testing: > Tested over 1,000 homeschoolers this past year. >

Testing of public school students does not include statewide achievement testing. > Compares homeschool students with the national norm group. > Less than 5 percent of the homeschool population would be at the 15th percentile.

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SEN. GRENSKY: If it is only 5 percent, why are you objecting to moving the percentile to 25 percent?

BUMCROFT: This is a misuse of the achievement. Any achievement test is merely a sampling of student knowledge. A test is not a perfect tool to precisely pinpoint where a student's achievement is. > When the original law was drafted, there was no data about how homeschoolers would perform. It was assumed the population of homeschool children would be the same as public school children. > The previous state board said that the homeschool children should be treated the same as those in the public sector. Reviewing the percentile rank should be from a remediation standpoint as opposed to a punitive standpoint. > Explains there should be an increase in performance and not a decrease. 446 SEN. TROW: The state board has been concerned with central learning skills. Are those being picked up in homeschooling? When you set a minimum, for some people the minimum becomes the maximum and people don't strive for much more. We would like to make sure those people who continue to homeschool are doing a good job of it.

TAPE 92, SIDE B

030 BUMCROFT: Concerned that one test will drop a student out of homeschooling and back into public school.

059 ALLAN THEDE, chair of the legislative committee of OAESD: Presents written testimony indicating they are taking no position on the bill but are interested in aspects of the bill which relate to procedural aspects (EXHIBIT E). > The public policy issues are better addressed by the state board and the Oregon School Board Association.

SEN. TROW: What's wrong with the state board setting standards by administrative rule?

THEDE: We don't have any problem with the way it is currently and that is why we have not taken a position on those issues.

149 KIM GORDON, Home Education Network of Oregon: Presents written testimony in opposition to HB 2820 (EXHIBIT F). > In favor of making it statutory with less rulemaking. > Supports change allowing children to be supervised by a certified teacher if they do not make satisfactory progress. > Reviews the concerns outlined in her testimony regarding testing. Encourages the adoption of alternatives to testing that are listed in her testimony. > Reviews concerns with subsection 9 in the bill. > Need to look at restructuring the way we handle homeschooling. SEN. TROW: I like your idea of having some alternatives to testing. Testing should be a useful tool and not a barrier.

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268 ANN LAHRSON, a homeschool parent: Presents written testimony in opposition to HB 2820 (EXHIBIT G). > Reviews her concerns regarding testing and why she is not complying with the homeschool law.

342 VELMA HARIWIG, resident in Lincoln County: Presents written testimony in favor of HB 2820 and expressing concern about the poor job public schools are doing (EXHIBIT H). 416 JOHN HUNGER, homeschool parent: Presents written testimony explaining why he is opposed to HB 2820 (EXHIBIT I).

TAPE 93, SIDE A 010 HUNGER: Continues his testimony.

077 DR. JAMES B. HOGE: Talks about the advantages of homeschooling and addresses some of the concerns raised by earlier testimony. > Talks about the state board's proposals. > Only want the best for our children.

168 PHIL FRINCH, from Grants Pass: Testifies in support of the bill and answers some questions raised concerning handicapped children. > Talks about using regional services programs.

Written testimony was provided by the Confederation of Oregon School Administrators (EXHIBIT J). Written testimony in support of HB 2820 was provided by several people who homeschool (EXHIBIT K).

210 CHAIR GOLD: Adjourns the meeting at 5:15 p.m.

Transcribed by: Reviewed by:

Carolynn Gillson Administrator Jan Barga Assistant

#### EXHIBIT LOG:

A - Testimony on HB 2820 - Sen. Jim Bunn - 5 pages B - Testimony on HB 2820 - Parents Education Assoc. - # pages C - Testimony on HB 2820 - Home School Legal Defense Assoc. - 2 pages D - Testimony on HB 2820 - Roy Burkett - 3 pages E - Testimony on HB 2820 - OAESD - 2 pages F - Testimony on HB 2820 - Home Education Network of Oregon - 4 pages G - Testimony on HB 2820 - Ann Lahrson - 6 pages

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