

SENATE COMMITTEE ON EDUCATION

June 12, 1991 Hearing Room B 8:00 a.m. Tapes 110 - 113
MEMBERS PRESENT: Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice Chair
Sen. Peter Brockman Sen. Ron Gensky Sen. Paul Phillips Sen. Cliff Trow
MEMBER EXCUSED: Sen. Joan Dukes VISITING MEMBER: Rep. Vera Katz
STAFF PRESENT: Jan Barga, Committee Administrator Angela Muniz,
Committee Assistant MEASURES HEARD: HB 3565 - Oregon Educational Act,
PH, 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 110, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 8:15 a.m. Present at 8:15
a.m.: Sen. Broclman, Sen. Gensky, Sen. McCoy, Sen. Trow, Sen. Phillips
and Chair Gold. HB 3565 - OREGON EDUCATIONAL ACT - PUBLIC HEARING:
Witnesses: Bob Everhart, Portland State University Bob Castagna, Oregon
Catholic Conference Dr. Larry Thompson, Archdiocese of Portland Susan
Castagna, Our Lady of the Lake School Kathryn Weit, Association of
Retarded Citizens

018 BOB EVERHART, Dean, School of Education, Portland State University:
Testifies in favor of HB 3565.

SEN. TROW: Do you have written testimony?

JAN BARGA, Committee Administrator: Notes testimony Mr. Everhart sent
earlier (EXHIBIT A).

EVERHART: At-risk children make gains when support exists for total
involvement of the child in the school. Many programs formed to help
at-risk children have not worked because there is not a sustained
intervention for the total environment of the student. If the programs
are Senate Committee on Education June 12, 1991 - Page 2

fragmented, they will not work. HB 3565 can help to pull together some
of the programs for at-risk children.

Sen. Trow is excused from the hearing at 8:20 a.m.

116 SEN. MCCOY: Are you saying that if the other support services you
mentioned aren't done, then the bill won't work? They are basic things
that need to be done.

EVERHART: Those services are necessary for the 30 or 40 percent of the
population that traditional does not do well in school. This legislation
gives you the opportunity to pull some of the elements together.

CHAIR GOLD: The committee has passed some early intervention legislation
and Ways and Means has suggested putting those issues into HB 3565.
There will be amendments that reflect concerns similar to yours.

148 SEN. MCCOY: Doesn't want to misunderstand Mr. Everhart. He is
talking about basic things that must be done before the bill is enacted.

EVERHART: There is adequate research that shows these things must work together. Because there is not much money, need to have some prototypes to see how effective the model is.

SEN. PHILLIPS: Have the amendments and concerns the witness just talked about been shared with Rep. Vera Katz and others working on the bill?

CHAIR GOLD: Yes, is sharing the information as it becomes available. 185

BOB CASTAGNA, Oregon Catholic Conference: Presents testimony from Sister Rita Carey (EXHIBIT B). Suggests amendments to include private schools in the educational choice sections of HB 3565, Sections 12 and 17.

220 DR. LARRY THOMPSON, Superintendent of Catholic Schools, Archdiocese of Portland: Presents written testimony explaining the suggested amendments (EXHIBIT C). Catholic schools are an option for low-income and minority students.

SEN. MCCOY: Are you saying that all low-income students are minorities?

287 THOMPSON: Twenty-three percent of the students in Catholic schools are minorities.

CASTAGNA: Refers to an article in Time Magazine included in EXHIBIT C.

SEN. MCCOY: What is the minority enrollment in Portland and Oregon.

THOMPSON: It is 10% in Oregon and 20% in Portland. Continues presenting written testimony.

350 SEN. PHILLIPS: How would educational choice work? What is your suggested amendment suppose to do?

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THOMPSON: For the students that could benefit from the Catholic system, it would expand their educational opportunities. The education would be improved in general.

CASTAGNA: The fundamental premise is that the obligation to choose the best educational setting for a child rests on the parents. That realm of choice should include the private sector.

400 SEN. PHILLIPS: How would the mechanics of educational choice work?

CASTAGNA: It is difficult to be more specific than the bill which has the Department of Education working out the details. The procedure would present a document to the parent saying the parent has the ability to chose a district or private institution in the state and a certain amount of tax dollars follows the child to that district.

SEN. PHILLIPS: So a parent could decide to send their child to a private school and a percentage of tax dollars would go to that private school?

CASTAGNA: That is an option. Because Measure 5 is changing the school funding system, the dollars could be from the state general fund.

470 SEN. PHILLIPS: Has this process ever been done or developed in Oregon?

CASTAGNA: No, but HB 3565 is looking at reforming education in Oregon.

SEN. PHILLIPS: How come private schools' per student ratio is so much lower than public school?

CASTAGNA: Historically, Catholic schools have been able to survive financially because of generous contributions and lower salaries.

TAPE 111, SIDE A

046 SEN. PHILLIPS: Didn't Dr. Thompson say that across the board private schools were less expensive?

THOMPSON: Was referring to Catholic schools only.

SEN. PHILLIPS: So the state may see some cost savings with Catholic schools but not with other denominations that are more expensive.

CASTAGNA: Has suggested a limit on the amount that the child could transfer to the private school.

067 SUSAN CASTAGNA, Principal, Our Lady of the Lake School: Presents written testimony (EXHIBIT D).

120 THOMPSON: Catholic schools are making a contribution to the state by providing a wellrounded education to children.

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SEN. PHILLIPS: Would like amendments drafted that would give educational choice to public and private schools and that would at least give the Department of Education the direction to draft some model rules.

SEN. BROCKMAN: Could draw from a federal proposal that gives a waiver.

SEN. PHILLIPS: Wants the language broader because we haven't had a system in Oregon. A waiver may not be the best way. 164 KATHRYN WEIT, Association for Retarded Citizens: Is concerned about wording in amendments that would have special activities to insure that children with special needs reach the same desired educational outcomes. Often children with special needs are not capable of reaching the same educational outcomes as a non-disabled child.

BARGEN: The language is from the amendments proposed by Senate President Kitzhaber and will be discussed later in the meeting.

WEIT: Wants to make sure it is on the record that HB 3565 applies to all children, including children with special needs and special education. These children are often overlooked. 224 SEN. PHILLIPS: Thought this bill was not about exclusion. Is this all encompassing?

CHAIR GOLD: That is the intention, but there is sometimes a difference

between words and reality.

HB 3565 - OREGON EDUCATIONAL ACT - WORK SESSION: Witnesses: Joyce Reinke, Department of Education Wayne Nueburger, Department of Education Greg McMurdo, Department of Education Rep. Vera Katz, District 10 Frank McNamara, Portland Public Schools Ken Evans, Oregon Education Association

CHAIR GOLD: Presents the HB 3565-9999 work copy amendments (EXHIBIT E). These amendments are inclusive of many of the amendments that have been proposed. The amendments are the full text of the bill with amendments included and underlined in it.

SEN. PHILLIPS: There is a lot of support for Early Intervention. Wants to include major issues like that and the Senate Bills this committee addressed earlier. Have you received comments from Ways and Means that it is alright to include them in HB 3565.

285 CHAIR GOLD: Yes, Ways and Means is encouraging us to do that. They have already funded prekindergarten in SB 851 and early intervention.

315 BARGEN: Walks through the HB 3565-9999 amendments. The last four sets of amendments are in this version including the early childhood education package of bills and the Senate President's amendments.

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New Issue The first suggestion is to include the word "race" in anti-discrimination statements in the bill. 380 CHAIR GOLD: Recesses the hearing at 9 15 a.m. Reconvenes the hearing at 9:20 a.m.

TAPE 110, SIDE B

040 MOTION: Sen. Phillips moves the HB 3565-9999 amendments.

SEN. BROCKMAN: Whose amendments are these?

CHAIR GOLD: It is a compilation of amendments that witnesses presented and it also includes work that this committee has previously done.

SEN. MCCOY: What do we mean by "race"? BARGEN: It was language suggested by witnesses. Will ask Legislative Counsel about the definition.

070 MOTION: Chair Gold moves to include the word "race" in line 11, page 1 and on page 2, line 11 and wherever else it is necessary. VOTE: In a voice vote, there were no objections. New Issue BARGEN: The next change concerns the way the arts are referred to for goals in characteristics of schools. It also adds foreign languages to those characteristics. MOTION: Chair Gold moves to delete the words "the arts" on line 21, page 2 and insert "foreign language and the" on line 22, page 2. VOTE: In a voice vote, there were no objections. 100 SEN. PHILLIPS: Do we want to go in order of other concerns that were raised? Yesterday, Frank McNamara of Portland Public Schools raised concerns about the Section 3 that was just amended. CHAIR GOLD: Wants to consider the underlined portions of HB 3565-9999 first and then move to others' concerns. MOTION: Chair Gold moves to adopt Section 3, subsection 7 on

page 2. VOTE: In a voice vote, there were no objections. New Issue BARGEN: Explains the new Section 3, subsection 11 on page 3. It is where the concern of tracking are addressed. It would state a goal that educational groupings be as heterogeneous as possible. MOTION: Chair Gold moves to adopt Section 3, subsection 11 on page 3.

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SEN. MCCOY: What does that subsection mean? 145 JOYCE REINKE, Director of Personnel Development, Department of Education: This amendment addresses concern to avoid tracking. It would heterogeneously mix students with different levels of ability, sex, race, etcetera. Wants to include the idea of putting disabled students in the mainstream class. Wants to add this language as often as possible. SEN. PHILLIPS: The language could speak against the TAG program. REINKE: It would make it as heterogeneous as possible to promote attitudes and skills.

SEN. PHILLIPS: Could it mean the death of TAG? REINKE: Once HB 3565 is enacted, there should be no need for TAG programs. Eventually all students will be on an individualized program. Recognizes the need for TAG now and the concern is valid. SEN. PHILLIPS: How will the department interpret it? REINKE: Can't speak for the entire department. Does not see it as the death of TAG. Wants to mainstream as many student as heterogeneously as possible. There will always be a time when students need to go for special assistance and for TAG. Can't see the department saying there will be an end to the TAG programs. VOTE: In a voice vote, there are no objection. New Issue 209 BARGEN: The next change involves the parents in the implementation of educational goals and in participation in decision making at the school site. CHAIR GOLD: Does LC view this as a mandate? BARGEN: It is hard to mandate parental involvement. SEN. PHILLIPS: The mandate is that it provides opportunities to participate. CHAIR GOLD: There are states that have more stringent requirements for parental involvement. 230 MOTION: Chair Gold moves to adopt line 17 on page 3. VOTE: In a voice vote, there were no objections. New Issue BARGEN: Explains Sections 4a and 4b. It is the addition of most of SB 113. It is the early intervention bill that spoke to need for coordination of services to children and families. The sections in HB 3565 apply only to education services so that it will fit with the relating clause. CHAIR GOLD: SB 113 was passed out of our committee and the Senate and failed in the House Human Resources Committee. . 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. Senate Committee on Education June 12, 1991- Page 7

275 BARGEN: The House did adopt this form of SB 113 as the bill in committee but the vote to send the bill to the House floor failed.

SEN. PHILLIPS: These amendments aren't different than what we voted on in committee?

BARGEN: Only in their scope.

SEN. PHILLIPS: Is there duplication being created in the list of advisory groups mentioned on page 5?

BARGEN: No, these are mandates on the state at a program by program level.

CHAIR GOLD: SB 1018 in the 1989 Session put in statute the coordination of education and social service support agencies.

BARGEN: It is putting some of those activities down to the activity level rather than just holding the agency head accountable.

315 MOTION: Chair Gold moves to adopt Sections 4a and 4b of HB 3565-9999.

VOTE: In a voice vote, there were no objections.

New Issues BARGEN: Explains Sections 5 and 6. These are the amendments suggested by the Senate President. The president's amendments delete the Sections 5 and 6 that were in the House version of the bill. Doesn't see a reason for that. CHAIR GOLD: Asked President Kitzhaber if the deletion of House's Section 5 and Section 6 was alright with him. Didn't see a reason to delete those original sections. MOTION: Chair Gold moves to reinsert lines 23-30 (the House's Section 5) on page 5 and lines 1-2 (the House's Section 6) on page 6 in the HB 3565-9999 amendments. CHAIR GOLD: The contents of these lines is mostly current practice. There is a need for those practices until HB 3565 is fully in place. SEN. PHILLIPS: Supports the motion. There is no need to take those sections out. VOTE: In a voice vote, there were no objections. 375 BARGEN: The Senate President's proposed Section 6 is the suggestion to have a group of people establish priorities for students in acquiring a Certificate of Mastery. It defines many of the areas to be considered that the current system provides. If HB 3565 will change what education looks like, do we want the funding system linked to current skills standards? Some of the language needs to be reworded. Suggests deferring action on actual wording and deciding now only whether to accept this portion/concept of the amendments. Also there is the disabilities concern on page 7 raised earlier by Kathryn Weit.

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CHAIR GOLD: Is this the revised amendments? Thought that there were revisions.

BARGEN: No, this is what the president presented. (Later discovered this was in error.) Discussions are still occurring about what portions of the language should look like.

470 SEN. PHILLIPS: Again, there is a fourth different definition for "essential learning skills" in the House's Section 5. There needs to be some clarification. Also we need a definition of "common curriculum goals".

TAPE 111, SIDE B

033 CHAIR GOLD: Will pursue the concepts of the Senate President's proposed sections until the wording is clarified unless the committee objects.

SEN. BROCKMAN: Doesn't like the sections, but will not object.

MOTION: Sen. McCoy moves the Senate President's proposed Sections 5 and 6 conceptually.

VOTE: In a voice vote, there were no objections.

SEN. PHILLIPS: In the part of the Senate President's Section 6 that lists people's involvement in the group, labor and social service professions should be named.

BARGEN: Another concept suggested is that a similar prioritization process occur for post secondary also.

New Issue Section 6a is the policy portion of SB 851 which the committee passed out. If the committee wants to speak to education as prevention, it can make a sentence out of the subsection 1 and add it to the goals portion of HB 3565. 105 SEN. MCCOY: Wants staff to draft the language and find the appropriate place to insert it in the bill.

New Issue BARGEN: On page 9 an extra sentence is added to clarify that it is optional for Distinguished Oregon Educators to join Education Department staff in providing assistance to local improvement plans. CHAIR GOLD: The language "together with" Distinguished Oregon Educators would cost \$2 million. If the costs do not decrease with the change of wording, prefers to keep the language passed in the House. BARGEN: The Department of Education prefers the permissive language. SEN. PHILLIPS: Need to think of the staff load implications. The existing language says they must go together. That could restrict the department and local planning. CHAIR GOLD: Was trying to accommodate a House intention.

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Sen. Grensky is excused from the hearing at 9:45 a.m.

165 SEN. MCCOY: We cannot do the current evaluation without including the parents, education staff, administrators and distinguished educators. Can't just let the Department of Education do it.

BARGEN: The point here is who should be involved if the local level wants technical assistance.

MOTION: Sen. Phillips moves to adopt lines 13-16 on page 9 as changed in the HB 35659999 amendments.

VOTE: In a voice vote, there were no objections.

Issue Flagged SEN. BROCKMAN: On lines 2 and 3 on page 9, are we going to change the frequency of the on site visits? Currently they are every six years. CHAIR GOLD: We are only doing the underlined portions of the amendments now. New Issue 207 SEN. PHILLIPS: In the Senate President's Section 6, thought there were two different options: one for the commission and a Senate-confirmed group that would work within the Department of Education. Is concerned about free standing group. Wants a group working within the department. CHAIR GOLD: The conceptual adoption of Section 6 was for the commission and not on the specifics of the make

up of the commission. Sen. McCoy is excused from the hearing at 10:05 p.m. New Issue 261 BARGEN: Page 11 includes a new subsection (d) to Section 10. It is language included in SB 120 and was suggested by the department to encourage minorities and women into the teaching and administrative fields. SEN. PHILLIPS: It isn't worded properly. 288 WAYNE NUEBURGER, Department of Education: That amendment is suggested by the State Board of Education. The issue is representation of minorities in education. CHAIR GOLD: So this would be part of the reporting process? This is taken out of SB 120. NUEBURGER: Yes, the department collects the information; it is just a matter of reporting it. SEN. BROCKMAN: There will be a significant number of Hispanic students by the time this bill is implemented. There aren't that many Hispanic teachers out there to proportional meet the number of students. SEN. PHILLIPS: That is why the section needs to be reworded. The intent is to gather information; not set up a quota system requiring that the number of minority students and Senate Committee on Education June 12, 1991- Page 10

teachers be proportional. CHAIR GOLD: You are suggesting it read: "Information pertaining to the characteristics of the school and school staff, ... and proportion of minorities and women on the teaching and administrative staff." It is just to gather information, not set up a system. 338 SEN. PHILLIPS: Yes, or "representation of minorities and women..." CHAIR GOLD: You want a way to report on this without implying a value system. NUEBURGER: The interest is in the schools that are heavily populated with minority students. Wants to make sure there are people on the staff that represent the groups of minority students in the school. The intention is not a quota system, but to look at affirmative action system and to recruit minorities and women to join staff. CHAIR GOLD: Will not move on this section because there is not a quorum. New Issue BARGEN: On page 12, lines 4 and 5 are regarding early education and were suggested by Rebecca Severeide and Merrily Haas. CHAIR GOLD: Have we left our SB 120 language as we find it in this bill? 399 BARGEN: Yes. Continues explaining the amendments to Section 12, page 12. There are a number of other suggestions to add to the characteristics in Section 12. SEN. PHILLIPS: Is concerned about moving ahead in the bill without a quorum. BARGEN: Does the committee want to continue going through the HB 3565-9999 amendments and address other concerns separately? SEN. PHILLIPS: Yes, that would be the easiest. 455 CHAIR GOLD: Recesses the hearing at 10: 15 a.m. TAPE 112, SIDE A 001 CHAIR GOLD: Reconvenes the hearing at 4:25 p.m. Present at 4:25 p.m.: Sen. Grensky, Sen. Trow, Sen. Phillips and Chair Gold. New Issue BARGEN: In Section 15, there are changes to include parents and members of the labor community in the 21st Century Schools Advisory Committee. Sen. Grensky leaves the hearing at 4:26 p.m. SEN. TROW: How large is this advisory committee suppose to be? BARGEN: It is getting larger as more categories of people are suggested.

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CHAIR GOLD: Where did the categories come from? BARGEN: They were already in the statute. SEN. TROW: Can we take the wording "at least" out on line 5, page 14. The advisory committee is getting very large at removing those words would limit it to one member from each of the listed groups.

CHAIR GOLD: Will have to reserve the suggestion until a quorum arrives.

The list is getting into special interests. If you put a member of the business community in, you have to include labor. Sen. Brockman joins the hearing at 4:30 p.m.

070 BARGEN: Several groups of labor are already included by the inclusion of the education labor groups. The question is how to define the rest of labor and get them in the list. MOTION: Chair Gold moves to delete the words "at least" on line 5, page 14 of the HB 356 5-9999 amendments. VOTE: In a voice vote, there were no objection.

SEN. PHILLIPS: Even with that amendment, the committee will still be at least 15 members. That is large. SEN. TROW: It can be even larger if there is no limit placed on the number of members. Sen. Grensky returns to the hearing at 4:32 p.m. SEN. PHILLIPS: Could have it read that the committee will include a majority of teachers "and other members may include but are not limited to:" and then list the groups. Wants to include the building and trade side of labor, not just the education labor already represented. 130 MOTION: Sen. Phillips moves that lines 4-17, page 14 be amended to read: after "members" on line 5 insert "may include but is not limited to members from the following groups:", and that labor be included in the list of potential members. SEN. TROW: How large is this group going to be? GREG MCMURDO, Department of Education: Fifteen members is a good number to limit the committee to. Starts to suggest another amendment to line 3, page 14. CHAIR GOLD: The committee is not dealing with new amendments now. 175 SEN. TROW: Makes a friendly amendment to insert the number "15" before "members" on line 5, page 14. These rules contain materials which paraphrase and/or summarize rtatnrncr" made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete coraerar of the proceduur, please refer to the tapes. Senate Committee on Education June 12,1991- Page 12

VOTE: In a voice vote, there were no objections. BARGEN: A concern from Hispanics in Unity for Oregon was to include a reference that the advisory group have at least one minority member.

SEN. TROW: Wants to put that in.

BARGEN: It will be in the next set of amendments.

New Issue Moves to Section 17 on page 15. In Section 17 there was the concern that we speak to all of the forms of discrimination that can be made. 215 SEN. TROW: "Is intended" on line 23, page 15 are not the right words.

BARGEN: In other sections "capability" was left to include both capability and disability. "Is intended" is used because that is the phrase that was used in the previous sentence.

SEN. TROW: How about just "may". The sentence would read: "No program ... under this section may foster segregation ..." Or maybe the word "shall" would be better. BARGEN: The word "allow" was suggested. Believes "No program ... shall allow segregation" would be better.

MOTION: Sen. Trow moves to adopt line 23 and 24 on page 15 as amended to read: "No program of choice under this section shall allow for segregation on the basis of race, sex, age, capability or disabling condition."

SEN. GRENSKY: The wording is superfluous. State and federal civil rights

acts don't allow discrimination anyway.

BARGEN: This issue has been part of the debate on choice plans in general. That is why there is an interest in saying something.

VOTE: In a voice vote, there were no objections. New Issue 258 BARGEN: Section 18 makes changes to reflect the actual name of the Oregon Prekindergarten Program.

MOTION: Chair Gold moves name changes on page 15, line 26, 28 and 29.

VOTE: In a voice vote, there were no objections.

Issue Flagged SEN. PHILLIPS: In the 21st Century School Council would like staff to look at the language lines 26-28 on page 13 about "all school buildings are required to have a counsel." That should be deleted or clarified. Needs to know what "all school buildings" means. New Issue 310 BARGEN: The additions on page 16, Sections 18a and 18b are language from SB 110. It is the language the committee passed out.

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MOTION: Chair Gold moves to delete lines 2-11 and the "(c)" on line 12 on page 16 in the HB 3565-9999 amendments.

VOTE: In a voice vote, there were no objections.

387 SEN. PHILLIPS: The advisory committee referenced in Section 18a exists already? Thought that we moved the date to have the "program by 1997" up. BARGEN: Yes. This is the way SB 110 passed out of our committee. It was moved up from 1999.

CHAIR GOLD: The question is how does that coincide with the rest of HB 356 5. . . BARGEN: Will check to make sure the years coordinate throughout the bill.

Sen. McCoy joins the hearing and Sen. Brockman leaves at 4:55 p.m.

425 MOTION: Sen. Grensky moves lines 12-14 on page 16 and Sections 18(a) and (b).

VOTE: In a voice vote, there were no objections.

New Issue BARGEN: Section 18c is part of SB 851 which provides monies for the expansion of Head Start. CHAIR GOLD: Doesn't want Section 1'oc in the bill. It is a Ways and Means activity that will be before them. SEN. MCCOY: Is this money in Ways and Means? CHAIR GOLD: They have voted it out. SEN. TROW: There is no need to have the appropriation in the bill then. MOTION: Chair Gold moves to delete lines 13-17 on page 17. VOTE: In a voice vote, there were no objections. New Issue 479 BARGEN: Section 18d is HB 2424. It has money from the Common School Fund earmarked for early childhood education purposes. The addition was requested by the chair. Sen. Trow leaves the hearing at 5:05 p.m.

TAPE 113, SIDE A

034 CHAIR GOLD: HB 2424 is a mandate. Wanted to change the mandate to permissive language.

SEN. PHILLIPS: HB 2424 didn't get out of the House committee? Is uncomfortable adopting something this committee has not heard before. These minutes contain serials 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 Senate Committee on Education June 12, 1991- Page 14

050 GREG MCMURDO: HB 2424 is in the House Revenue Committee and has suggested amendments to reduce the mandate. CHAIR GOLD: Will that committee move on the bill? Wants to see language included similar to what the House Revenue Committee has accepted. Doesn't want the opportunity lost. MCMURDO: The language before the full house committee changes the "shall" to a "may" and exempts union high schools. SEN. GRENSKY: Is bothered by amendments like this. HB 3565 is getting bogged down by other things that don't really relate. Doesn't want to keep adding something to an already large bill. MOTION: Sen. Phillips moves to delete Section 18d from the HB 3565-9999 amendments. BARGEN: With the "may" there is nothing to prevent school districts from spending that money for the early childhood purposes. One way to include that intent in HB 3565 is to reference it in Section 12 dealing with preferred models. It would encourage school districts to spend that money that way. CHAIR GOLD: Has a lot of interest in this, but will defer to the concerns of the other members. VOTE: In a voice vote, there are no objections.

100 MOTION: Chair Gold moves adoption of line 30 on page 17.

VOTE: In a voice vote, there were no objections.

New Issue BARGEN: Sections 19a to 19f are SB 111, the Early Childhood Improvement Program. It is another model program that could be listed in Section 12 as well. SEN. PHILLIPS: Is this the identical language we passed out of committee? BARGEN: Yes, minus the funding section of SB 111.

MOTION: Chair Gold moves to adopt Sections 19(a-f) on pages 17-20 of the HB 356 59999 amendments.

Issue Flagged CHAIR GOLD: Was concerned that the language didn't read right because the funding portions were removed. Wants staff to review the application approval, years and initial rules.

150 BARGEN: The advocates of this program had an interest in the criteria established by the rulemaking process. They want it in statute to back up some of the innovations in the field.

CHAIR GOLD: Just wants to be sure about some of the technical aspects of the bill. The word "application" should be clarified.

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sue Flagged SEN. PHILLIPS: This asks the superintendent to appoint an advisory committee that will work within the timelines of the bill. The timelines in this process are unrealistic for what we are asking,

BARGEN: The timelines in SB 111 were devised without HB 3565 in mind. Will check with the department to develop other timelines.

CHAIR GOLD: The vote will be pending discussion of timelines and clarification on the word "application."

VOTE: In a voice vote, there were no objections. New Issue 196 BARGEN: Section 19 is language from the A-Engrossed bill. Suggests deleting subsection 1 of Section 19 and replacing it with what is on page 20-A. These are amendments suggested by Merrily Haas and Rebecca Severeide that attempt to draw in people involved in early childhood innovations already. Classified school employees also need to be added to the list in subsection (1) (a) of the suggested Section 19 on page 20-A.

SEN. PHILLIPS: This says that by the 1992 school year, they will have the model rules and have a report in 1993.

254 CHAIR GOLD: On page 20, the original subsection 1 that is deleted, the rules and the models are developed and there is a report to the 1993 Legislature on the feasibility of a non-graded primary.

SEN. PHILLIPS: The timelines are not realistic. Should provide a date in 199 2 for the models and rules.

CHAIR GOLD: The timeline is not any different than what the House sent to this committee.

SEN. PHILLIPS: That does not make it good.

280 REP. VERA KATZ, District 10: The bill originally had required implementation of the models that were prepared. There were concerns that it was a mandate, so the language was softened to have the models prepared by the Department of Education. It shouldn't take them that much time to research the models. What will take time is the discussion of the issue around the state.

315 SEN. PHILLIPS: Concurs, but only if you didn't put in that it "shall be done in consultation with:". The information exists.

CHAIR GOLD: Witnesses have said that we need to have greater involvement.

MCMURDO: Doesn't have a problem with the timeline. Is comfortable with the section the way it is.

MOTION: Sen. Phillips moves to adopt Section 19 with the new language on page 20A.

Senate Commitbe on Education June 12,1991- Page 16 VOTE: In a voice vote, there were no objections. New Issue 370 BARGEN: On page 23, line 6 changes "student's success" to "student's satisfactory progress".

SEN. PHILLIPS: What is the purpose of having the qualifier "satisfactory" rather than just "progress"? They want the student accountable for the student's success. "Success" implies the student has

gained a certain level. It is a high standard. "Satisfactory progress" is a different standard.

406 FRANK MCNAMARA, Portland Public Schools: The language presented is not exactly what he suggested. The problem was that district accountability for students' success was deemed to be an invitation to a private right of action law suit. Suggested that the language be changed to "satisfactory progress" and that subsection 3 be referenced to subsection 4. Insert on line 5 "As provided in subsection 4 of this Section."

SEN. PHILLIPS: It says the district where the student resides is accountable. What if the student is sent to a facility in a different district. The student resides in one district and attends school in another. Who is responsible for the student's progress.

461 MCNAMARA: The original resident district is responsible for the student.

CHAIR GOLD: "Satisfactory progress" is also in subsection 4. Reviews Mr. McNamara's suggested language.

TAPE 112, SIDE B

035 MCNAMARA: A clearer way to say it is to say "the resident district" rather than the "district in which the student resides".

CHAIR GOLD: Subsection 3 would read: "As provided in subsection 4 of this Section, the resident district shall be accountable for the student's satisfactory progress ...".

SEN. GRENSKY: Does resident district mean something?

MCNAMARA: It is in statute.

MOTION: Chair Gold moves to adopt subsection 3 on page 23 as previously read.

VOTE: In a voice vote, there were no objections. Issue Flagged SEN.

PHILLIPS: We skipped over Section 20 with the multiple definitions on page 22, lines 3-8. Wants to make sure we use the same definitions throughout the bill. New Issue 060

BARGEN: On page 28 in Section 26, the changes are proposed to amend the current statute, not the language the House passed. The changes were suggested by Merrily Haas with the Oregon Association for the Education of Young Children. Lines 15-17 address the definition of when a child is ready to enter school. Subsection 5 would not allow children to enter school after the first four weeks and suggested for deletion.

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report Yeaker's exact words. For complete contents of the proceedings, please refer to the tapes. - Senab Committee on Education~ June 12, 1991- Page 17

CHAIR GOLD: That practice in Section 26(5) is obsolete.

MOTION: Chair Gold moves to adopt the changes on lines 14-17 on page

28. VOTE: In a voice vote, there were no objection. MOTION: Chair Gold moves to delete lines 20-26 from statute. VOTE: In a voice vote,

there were no objections. New Issue 101 BARGEN: In Section 30 the additions puts administrators in the list to develop programs for the needs to the bill.

MOTION: Chair Gold moves to insert "and administrators" after "teacher" on line 16, page 30 and insert "and" after the word "system" on line 17, page 30.

VOTE: In a voice vote, there were no objections.

New Issue BARGEN: Section 31 additions make sure that the extra days added to the school year do not have to be teaching days in the classroom. SEN. PHILLIPS: This says that it will lengthen school years. CHAIR GOLD: Doesn't want to deal with the concept of lengthening the school year now. Wants to just deal with the underlined suggestions now. MOTION: Chair Gold moves to adopt the changes reflected on lines 22-25, page 30. VOTE: In a voice vote, there were no objections. New Issue 154 BARGEN: Page 33 includes parents in the 21 Century Schools Council site committees. Has not checked every inclusion of parents in the bill; it may be best to include that in a definition section of the bill. CHAIR GOLD: It would be good to do that in a definition section. BARGEN: On line 3, page 33 it adds "parents of students" to the council. It is also on line 20, and on line 12, page 34. MOTION: Chair Gold moves to add parents "of students" in line 3 and 20 on page 33, line 12, page 34 and wherever appropriate. SEN. PHILLIPS: Objects. That motion is an either/or. Either we adopt this or it will end up in the definition. Does not like "parents of students," but does approve of putting it in a definition. MOTION: Chair gold withdraws her previous motion and moves to define parents with the intent that they are parents of students in the school or school system in

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a definition section of the bill.

204 SEN. PHILLIPS: Is a parent of a child not yet in school. Would he be able to sit on the committee? We want parents of children not yet in the school or who have recently left. What about a parent with a student who is senior? Does the parent leave when the child graduates.

CHAIR GOLD: Wants parents as participants because their children are in the school or in the district at a given time. That is the similar to Head Start.

SEN. PHILLIPS: Understands the intent but the literal definition can trap people.

VOTE: In a voice vote, there were no objections.

CHAIR GOLD: Explains the new language on lines 21-22 on page 33. It explains how parents or guardians would be appointed to the council.

MOTION: Chair Gold moves to adopt the additions on lines 21-22 on page 33 of the HB 3565-9999 amendments.

VOTE: In a voice vote, there were no objections.

250 BARGEN: The question of who picks the parents should be addressed in subsection 5 on page 34. The wording won't be the same.

New Issue Moves to Section 37. In Section 37 OEA is opposed to the State Board of Education being the mechanism for determining whether funding is available for the entire act. SEN. GRENSKY: Who would determine whether there was significant funds then? SEN. PHILLIPS: Significant is a relative word. If we take that out of the bill, then all parts of the bill will have to come back before the Legislature to be authorized. 300 KEN EVANS, Oregon Education Association: Can't comment on this section of the bill. REP. KATZ: This section wasn't in the original bill as introduced. It came from the education community that was concerned about funding of the bill. SEN. PHILLIPS: If it is your intent that this come back to the Legislature, then you don't mind if we accept the OEA amendment? REP. KATZ: Somebody has to share that information with the Legislature. Assumes it will be the Department of Education when it prepares its budget. 351 SEN. PHILLIPS: Maybe the wrong group is identified. Maybe the Department of Education should determine whether funding is adequate and present findings to the Legislature. Then there would be one consistent standing body to follow this. CHAIR GOLD: It could be the word "determine" that bothers people. . 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. . . Senate Committee on Education June 12, 1991 - Page 19

REP. KATZ: Was referring to determining the implementation of the act during the next Legislature, not for the development.

MCMURDO: Doesn't have anything to add to what Rep. Katz explained.

SEN. GRENSKY: Doesn't like the way Section 37 is worded. Is uncomfortable with just adopting the section without guidelines to the funding.

401 CHAIR GOLD: Wants Legislative Counsel to come to the next hearing and explain the intent. The legislators need to feel good about what this bill does. . SEN. GRENSKY: This section is a way out. This bill is just paper if you don't link it to the funding mechanism. 429 CHAIR GOLD: Adjourns the hearing at 5:50 p.m. Submitted by: Reviewed by:
Angela Muniz Jan Barga Assistant Administrator

EXHIBIT LOG: A - Testimony on HB 3565 - Robert Everhart - 3 pages B - Testimony on HB 3565 - Rita Carey - 3 pages C - Testimony on HB 3565 - Larry Thompson - 10 pages D - Testimony on HB 3565 - Susan Castagna - 3 pages E - Amendments to HB 3565 - Staff- 38 pages

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