

SENATE COMMITTEE ON EDUCATION

June 13, 1991                      Hearing Room B 8:00 a.m.                      Tapes 114 -117  
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 VISITING MEMBER: Rep. Vera Katz STAFF PRESENT: Jan  
Bargen, Committee Administrator Angela Muniz, Committee Assistant  
MEASURES HEARD: HB 3565 - Oregon Educational Act - 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 114, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 8:25 a.m. Present at 8:25: Sen. Brockman, Sen. McCoy, Sen. Trow and Chair Gold.

HB 3565 - OREGON EDUCATIONAL ACT - WORK SESSION: Witnesses: Rep. Vera Katz, District 10 Alan Tresidder, OSB A Greg McMurdo, Department of Education Wayne Nueburger, Department of Education Frank McNamara, Portland Public Schools Joyce Reinke, Department of Education Penny Ryan, OSEA Bob Castagna, Oregon Catholics Conference John Danielson, OEA

CHAIR GOLD: Wants to continue working on the HB 3565-9999 work copy amendments (SEE EXHIBIT E, 6-12-91) and go through the language that is not underlined and tentatively adopt some of the non-controversial concepts. Offers an amendment to Section 1 (EXHIBIT A). It clarifies that the State Department is the coordinating agency for the Act.

Issues Flagged 061 SEN. TROW: That language is an improvement. We do need reform and restructuring in education. Still finds some things bothersome: Senate Committee on Education June 13, 1991 - 1P4e 2

> The objectives of the bill as to why we are restructuring and reforming, are too narrow. They are completely dedicated to the vocational workforce. They should be broadened to include things such as the importance of human values and knowledge that education produces. Wants a statement in the first part of the bill stating that. > Need to work on the danger of too much tracking. We do track now, and that is not good. We shouldn't put barriers in people's ability to move from one kind of education to another. There does have to be grouping in education, but it doesn't have to be done with too much tracking. Need to have some way for the students who want both endorsements to get both. Also need a way for the heterogeneous groups to get back together. > The bill gives direction from the top by creating a super structure. If it is going to be successful at the local level, it should have the involvement of the teachers. The site committees are where this can happen. These things should be in the bill before he supports it.

129 CHAIR GOLD: People tend to lose sight of what the bill addresses as they read through it. Some of the concerns people have brought forth are addressed, but they are strewn out in the bill. Suggests adding direction to the interim committee in 1991-92 in the conceptual amendments she proposed to Section 1 (EXHIBIT A). How does the committee feel about the suggestion?

Sen. Trow is excused from the hearing at 8:35 p.m. 171 SEN. BROCKMAN: Isn't there something in the bill already that says someone is suppose to provide an interim report in 1992 and then report to the full

Legislature in 1993?

CHAIR GOLD- That is in the Senate President's suggested amendments.

SEN. MCCOY: Can we go over some of the other proposed amendments the committee has received?

CHAIR GOLD: Not at this time. Wants the committee's suggestions now.

SEN. MCCOY: There are so many thoughts that have gone into it.

CHAIR GOLD: We will get to them. Will not call a recess now; we need to use the time we are given.

New Issue           Reviews the action the committee took on Section 2 of the HB 356 5-9999 amendments. We added the word "race".

240                                   JAN BARGEN, Committee Administrator: Some of Sen. Trow's concerns could be put in Section 2. SEN. BROCKMAN: Doesn't see any problems with Section 2. MOTION: Chair Gold moves to adopt Section 2 of the HB 3565-9999 amendments pending a quorum and with the understanding that additions to the Section can still be made. SEN. BROCKMAN: Offers a friendly amendment to include the adoption of Section 1 with the Senate Committee on Education June 13, 1991- Page 3

conceptual amendments Chair Gold suggested.

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

New Issue           CHAIR GOLD: Moves to Section 3. The committee has not dealt with the total concept of this section yet. SEN. BROCKMAN: Marked subsection 4, but can't recall what the concern was. 296BARGEN: Sen. Phillips wanted to make sure the term "critical thinking" was defined congruent with other references. REP. VERA KATZ, District 10: The term is used on pages 22 and 23 as well. CHAIR GOLD: There must be something that defines critical thinking. Would like to state it somewhere in the bill. MOTION: Chair Gold moves to adopt Section 3 pending the arrival of a quorum. VOTE: In a voice vote, there were no objections. SEN. MCCOY: Doesn't want to mess with something like "critical thinking". It is something people understand. 352CHAIR GOLD: Agrees, but wants to accommodate a consensus. SEN. BROCKMAN: Likes the term "critical thinking". New Issue   ALAN TRESIDDER, Oregon School Boards Association: Section 4a establishes principles for the state to follow. OSB A supports those. Wants to add the words "and other programs" for serving young children in lines 23 and 27. They are multi-agency goals. Sen. Dukes joins the hearing at 8:50 a.m. 400   CHAIR GOLD: Updates Sen. Dukes on the committee's actions. 451       SEN. MCCOY: Wants to get to some of the amendments people have proposed.

CHAIR GOLD: Will not do that now.

SEN. BROCKMAN: We need to get the skeleton of the way we want it first before we look at other's amendments.

CHAIR GOLD: Reviews the motions made pending a quorum.

TAPE 115, SIDE A

050 MOTION: Chair Gold moves to adopt sections 1, 2, and 3 with the Chair's suggested Senate ~ on Education June 13, 1991- Page 4

language to Section 1. VOTE: In a voice vote, there were no objections. Sen. McCoy leave the hearing at 8:55 a.m. CHAIR GOLD: Reviews Section 4 and 4a. Sen. McCoy returns to the hearing at 9:00 a.m.

106 MOTION: Chair Gold moves to insert "and other programs" after "services" on line 23, page 3 and after "programs" on line 27, page 3 and to adopt Section 4(a). VOTE: In a voice vote, there were no objections. New Issue MOTION: Chair Gold moves to switch the order of Sections 5 and 6 by placing Section 6 on page 8 before Section 5 on pages 6-7. SEN. DUKES: Is it the intent of this committee to set up the proposed commission and go through the prioritization? Has a problem setting up priorities for students in achieving the Certificates of Mastery. Each student will go at his or her own pace. CHAIR GOLD: Just wants to deal with the order of the sections right now. VOTE: In a voice vote, there were no objections. CHAIR GOLD: The commission Sen. Kitzhaber proposes would be appointed by the governor. The governor does not want to take that responsibility. 150 SEN. BROCKMAN: Does not like the idea of a commission. CHAIR GOLD: Is not dealing with the substance yet. The governor does not want the responsibility of appointing the commission and neither does the State Board. GREG MCMURDO, Department of Education: The superintendent doesn't not want the responsibility; believes it is an unnecessary activity. Is having amendments drafted to delete Sections 5 and 6. SEN. DUKES: Do we have those amendments? CHAIR GOLD: Apparently not. Do they do more than delete the Senate President's amendments? MCMURDO: They restore the House version of Sections 5 and 6 and delete the Senate President's Sections 5 and 6 in the HB 3565-9999 amendments. Sen. Grensky joins the hearing at 9:05 a.m.

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MOTION: Sen. McCoy moves to delete lines 3-30 on page 6, lines 1-30 on page 7 and lines 1-28 on page 8.

200 SEN. GRENSKY: Who wants these deletions? These amendments were proposed by Sen. Kitzhaber.

CHAIR GOLD: Yes. The committee wanted to explore them more. As written, they have the governor appoint the commission, but she doesn't want that responsibility. Has informally asked how the state board feels about the responsibility.

MCMURDO: The department view the amendments as desirable activities it should be doing to accomplish the bill.

SEN. DUKES: Does the sponsor object?

REP. KATZ: No.

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

New Issue 260 CHAIR GOLD: Reviews Section 7.

SEN. BROCKMAN: That brings up the issue of on site visits no less than every six years.

MOTION: Chair Gold moves to adopt Section 7 of the HB 3565-9999 amendments.

CHAIR GOLD: The frequency of the on site visits is current statute.

BARGEN: It is not current statute; it is current practice. SB 120 is what created this section.

CHAIR GOLD: Shares the concern that the visits should be more often. There are financial concerns however.

SEN. BROCKMAN: The whole bill is a financial concern.

CHAIR GOLD: The department has had a hard time keeping up with the six-year evaluations.

SEN. BROCKMAN: If this becomes law, there will be fewer school districts. The economic hardship should even out and be lessened as consolidation occurs. Suggests visits every four years.

311 CHAIR GOLD: Suggests adding a sentence on line 3, page 9 that states the committee's optimal frequency.

SEN. BROCKMAN: Is raising the issue because many people have voiced a concern about the on-site visits.

SEN. DUKES: Doesn't know how much staff the Department of Education has to implement

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more frequent on-site visits. Agrees with Sen. Brockman that as the bill is implemented, this can be accommodated.

CHAIR GOLD: Suggests a sentence such as on-site visits "over a period of time which are more frequently as feasible."

SEN. MCCOY: That is dangerous language. It doesn't mean anything.

CHAIR GOLD: It is a goal.

SEN. MCCOY: You need to specify times.

CHAIR GOLD: Should put a effective year on it. Suggests 1996. How often do we want the visits to be?

350 SEN. BROCKMAN: Every three years.

SEN. GRENSKY: What does once every six-years mean? Is it every six years from the time the bill is enacted?

CHAIR GOLD: That is what is current practice now.

SEN. GRENSKY: This is somewhat new because it has visits to determine if schools are meeting the standards set by this Act.

SEN. BROCKMAN: What about every two years. The bill is incremental. Every two years, there is something new happening.

419 WAYNE NUEBURGER, Department of Education: Three years would be appropriate. That is the same cycle that other federally funded programs are on for review. Wants to coordinate with that review.

SEN. BROCKMAN: The bill says a "designee" conducts the visits. That could be one individual. It doesn't have to be the whole board visiting every school district.

NUEBURGER: Yes. If the department did it every two years, it would never be able to coordinate oversight or changes.

SEN. DUKES: Hears from schools in her district that the department doesn't have a presence in the district. There are people who don't want this bill to work, and more department presence would give them proof that it is effective. Wants the visits every two years. It is phased in anyway.

475 SEN. GRENSKY: The visits only occur every six years because of money. Doesn't want to ask the department to do something it isn't capable of. Is comfortable with three years. Can change it later, if we need to. TAPE 114, SIDE B

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030 MOTION: Sen. Grensky moves to change "every six years" on line 3, page 9 to "every three years by 1996". VOTE: In a roll call vote, the motion carries 4-1-2. Voting NAY: Sen. Dukes. Excused: Sen. Phillips and Sen. Trow. MOTION: Chair Gold moves to adopt Section 7 as amended. VOTE: In a voice vote, there were no objections.

New Issue 058 CHAIR GOLD: Reviews Section 8.

SEN. BROCKMAN: Is there a real designation of Distinguished Oregon Educators? Wasn't there a selection process in the original bill?

CHAIR GOLD: Yes, it is still in there later in the bill.

Sen. McCoy leaves the hearing at 9:25 a.m.

SEN. DUKES: Doesn't understand the sentence that says "staff members may be accompanied by Distinguished Oregon Educators."

CHAIR GOLD: The staff members are from the Department of Education. They can be accompanied if the Department requests.

MOTION: Sen. Grensky moves to adopt Section 8.

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

Issue Flagged CHAIR GOLD: Wants Distinguished Oregon Educators defined in a definition section.

New Issue Reviews Section 9. Is this part of SB 120? 101 BARGEN: Yes, SB 120 goes to Section 10.

SEN. BROCKMAN: Why don't the school districts sell the reports?

CHAIR GOLD: There is nothing that prevents them from doing that. MOTION: Sen. Grensky moves to adopt Section 9.

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

New Issue CHAIR GOLD: In Section 10 the committee acted on the underlined portions of page 11 but there was some discussion of rewording the minority representation. SEN. BROCKMAN: Raised the objection and is satisfied with the language. .

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BARGEN: Is going to rework the language with Legislative Counsel. The changes will appear in the next set of amendments.

MOTION: Sen. Grensky moves to adopt Section 10 as amended and pending the grammatical changes to lines 8-10.

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

New Issue CHAIR GOLD: Section 11 is a technical section.

MOTION: Sen. Grensky moves to adopt Section 11.

SEN. BROCKMAN: We can't move Section 11 until we move Sections 12 and 14.

New Issue CHAIR GOLD: In Section 12 the committee didn't adopt the underlined portions on page 12 because there wasn't a quorum. ,

155 BARGEN: There were some suggestions of things to add to the list of preferred grant proposals: -- Any pilot programs towards the Certificate of Mastery. - Experimental programs with school improvement and student work experiences. -- Early Childhood Improvement Programs. -Extended school year programs. CHAIR GOLD: Section 12 is an opportunity to include the possibility in grants in aid to the Department of Education. Wants to cross reference new items in the bill in Section 12 as possibilities in attaining grants. That would enable model, voluntary programs to get started prior to the time they are mandated. Then we would have empirical evidence on which to judge the mandates.

208 SEN. DUKES: They would receive token funding to get started?

CHAIR GOLD: It is the 2020 program money. For example, if someone thinks that starting a learning center is a good idea, they could apply to the department for money and set one up prior to the time it is mandated in the bill. SEN. DUKES: So it would give priority to the things listed in the bill. CHAIR GOLD: Yes. Thinks it will help others feel better about some of the innovations in the bill.

MOTION: Chair Gold moves to adopt Section 12 and to add the additional items mentioned and in the bill to the list of potential grant programs beginning on page 11. 250SEN. DUKES: Shouldn't the "and" be an "or" in subsection 4, line 5, page 13? It says the board shall give preference to applications that involve one or more of the proposals and other innovative models. Is it saying that the application has to have one of these proposals and other innovative models or that

it has to have at least one of these proposals?

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CHAIR GOLD: You are asking if two things need to be submitted? Think the wording should be "or". It leaves open the idea that there are other innovative models that haven't been thought of yet. REP. KATZ: Some people combine three or four innovative concepts in one grant proposal.

SEN. DUKES: Suggests a friendly amendment to change the word "and" on line 5, page 13 to the word "or".

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

New Issue CHAIR GOLD: Moves to Section 13. This is an issue Frank McNamara raised.

SEN. BROCKMAN: What is the statute reference that one percent of the state money is going to on lines 10 and 11 of page 13.

CHAIR GOLD: It is not in statute. Should use the term State Support Fund rather than the term "state money".

315 FRANK MCNAMARA, Portland Public Schools: School Support Fund is the new phrase. The section takes money off the top of state funding to schools. Raised the concern that if you have a good idea that should be funded, it should not be taken off the top of school funding. That money should be a separate fund.

CHAIR GOLD: That is five percent of the one percent in subsection 2.

350 REP. KATZ: Can give arguments on both sides of the issue. Has fought every session for money in the 2020 program. If funds are limited, need to be careful on how it is appropriated. Hopes we will have resources we need to fund schools, then the 2020 program is integral part of education. Subsection 2 is in the bill because the House wanted to provide some sort of rewards to schools who have made significant progress in the 2020 programs. Understands Mr. McNamara's concern. The House decided it wanted to keep Section 13.

CHAIR GOLD: Do you see this as a hope to accomplish?

REP. KATZ: In a way we did by saying 1996. Selected that date with the hope we will have the resources to fund schools.

405 BARGEN: There have been comments on how schools should be run like businesses. Isn't this kind of a state policy saying we should have a research and development fund?

REP. KATZ: Yes, it is a state policy that we ought to provide resources for schools to rethink how they are organized, managed and financed.

BARGEN: It seems that is an investment they make on a regular basis even if they don't know the exact outcomes.

SEN. GRENSKY: This is a critical issue to the whole bill. This isn't a

new program to do on

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top of everything else. Shouldn't say we will fund reform if we have money. These reforms have to occur and should be funded. Section 13 should stay as it is. It is being phased in now, which takes into account that we do not have all the resources now.

MCNAMARA: Doesn't disagree with that statement other than you are locking it into a formula and will always have one percent. The Senate just passed out SB 814 which distributes money to districts. This would take \$11 million out of that formula.

Sen. Grensky leaves the hearing momentarily.

460 REP. KATZ: Needs to leave, but would like to speak to Section 14.

MOTION: Chair Gold moves to delete the words "state moneys" on line 10, page 13 and inserting "the school support fund" and wherever proper in the bill pending the return of Sen. Grensky.

TAPE 115, SIDE B New Issue 042 REP. KATZ: Addresses Section 14 which says that by 1995 all school buildings must have a 21st Century Schools Council. "Buildings" does not mean outhouses or work sheds. The reason for the section is because we start so many model and pilot programs that we don't know what we have. If we are going to restructure how schools are managed, it is important that school site based management be an integral part of the organization of schools. People will argue that if schools don't want it, they shouldn't have to do it. This is the only section of the bill that directly creates a systemic change in the organizational part of schools.

CHAIR GOLD: Do you have any objection to rephrasing the words "all school buildings"? REP. KATZ: No. Only has a reservation about mandating. How do you tell people to do something they may not be willing to do? Need to risk that and have plenty of time to provide support.

CHAIR GOLD: The reason you have the earlier dates on this section is because you don't see it as a cost factor? The dates are earlier than others in the bill.

094 JOYCE REINKE, Department of Education: There is a cost factor to the Department of Education for establishing start up guidelines. In the language that requires one school building in a district to have a council, there is no financial commitment.

CHAIR GOLD: Sen. Trow was concerned that there be teacher participation at the school level. REINKE: The language for the 21st Century Schools Council requires that there be a majority of teachers at the building site elected by their peers. It does involve the teachers at the site.

CHAIR GOLD: Where is the authority in the council?

REINKE: The authorities designated to the site committees was in the



original language. It was

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deleted in the House and is now left open to each site to decide.

CHAIR GOLD: What is it that needs to be approved?

REP. KATZ: The grant application. The reason it was deleted was because they have they have the authority now to decide what they want.

REINKE: It also requires that a representative from the teachers union sign off on the decision.

Sen. McCoy returns to the hearing at 9:55 a.m.

Issue Flapped REP. KATZ: In some school districts you may have the wishes of the 2020 committees thwarted by labor or management. You need to be careful to identify when, where and why it happens.

162 MOTION: Chair Gold moves to delete "building" on line 26 and "buildings" on line 27, page 13 of Section 14 and adopt Section 14. VOTE: In a voice vote, there were no objections. Sen. Dukes leaves the hearing at 10:00 a.m. New Issue CHAIR GOLD: Moves to Section 15. The committee adopted the underlined and deleted materials and limited the membership of the advisory committee to 15 members. Also added labor to the list of groups. 200 BARGEN: Oregon School Employees Association is concerned that their inclusion in the advisory committee is optional. There was a concern that the committee was getting too large. If you made it to one member of each of the groups, the committee would still be the same size and there wouldn't be a question about who was included. SEN. GRENSKY: Everyone's inclusion is optional. Flexibility is important on this. CHAIR GOLD: We could make inclusion of all that are listed, but that is exactly 15. 255 GREG MCMURDO: You could solve the problem by inserting 15 members and leaving the rest the way it is: "The advisory committee shall include teachers who constitute a majority of the 15 members." SEN. BROCKMAN: Reads through the language that was adopted in the previous hearing. Labor and minorities were included in the list. SEN. GRENSKY: Agrees with Mr. McMurdo's suggested language. If the concern is that a member of each of the groups be listed and we require a majority of teachers on a 15 member board, then that will solve the problem. 290 CHAIR GOLD: There can be some overlapping such as a school administrator who was also

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a minority.

PENNY RYAN, OSEA: Doesn't have a problem leaving the language the way it was originally drafted and leaving 15 members.

MOTION: Sen. Grensky moves to add a the limit of 15 members to Section

15.

SEN. BROCKMAN: Likes the language the committee adopted yesterday.

CHAIR GOLD: The staff will draft two choices: the one suggested today and the one suggested yesterday. MCMURDO: Suggests another amendment to Section 15. On line 2, page 14 insert "and programs" after "grants" and insert "and Sections 12, 13, and 16 of this Act" on line 3.

348 MOTION: Chair moves to adopt Section 15 with the amendments as suggested by the Department of Education and pending resolution of lines 4-15 on page 14. VOTE: In a voice vote, there were no objections.

Issue Flagged CHAIR GOLD: Wants to put the 21st Century School Council put in a definition section. Also would like a definition of the 21st Century School Advisory Committee.

407 SEN. GRENSKY: We haven't adopted Section 11 yet because we were waiting until we adopted Sections 12 and 14.

MOTION: Sen. Grensky moves to adopt Section 11.

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

New Issue CHAIR GOLD: Reviews Section 16 on page 15.

Sen. Phillips joins the hearing and Sen. Dukes returns at 10:15 a.m.

MOTION: Chair Gold moves to adopt Section 16.

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

New Issue 471 CHAIR GOLD: Reviews Section 17. The committee had reworded the portion of the section that stated nothing in the section was intended to allow segregation.

BARGEN: There are also amendments requested involving private schools. The requestors of the amendments want a feasibility study of including private schools in educational choice.

TAPE 116, SIDE A

035 MOTION: Sen. Brockman moves to insert "private schools and the public" after "assist" . . . 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 report. Senate Committee on Education June 13, 1991- Page 13

on line 19, page 15.

CHAIR GOLD: Prefers to get the printed amendments from LC, and wants to wait.

SEN. BROCKMAN: Some private schools are of a religious nature, so we should add religion to the anti-discrimination clause.

CHAIR GOLD: Sets this section aside to see what we get from LC.

SEN. PHILLIPS: Doesn't object to Sen. Brockman's motion, but was

interested in the idea of the feasibility study.

SEN. GRENSKY: Doesn't think the Board of Education can get involved and make rules governing private schools.

072 CHAIR GOLD: Wants to add religion in this section.

MOTION: Sen. Brockman withdraws his previous motion on the contingency that Section 17 not be acted on at this time.

CHAIR GOLD: Wants to pursue the feasibility study. Is not ready to vote on a feasibility study or outright assistance to private schools.

105 SEN. PHILLIPS: Agrees. Wants to see the LC language.

CHAIR GOLD: Is the potential inclusion of religion in the anti-discrimination clause and the possible feasibility study satisfactory?

118 BOB CASTAGNA, Oregon Catholic Conference: If the feasibility study makes the Legislature more comfortable, is pleased to have that happen. On the religion issue, church-related schools have traditionally been able to discriminate in favor of members of their own parish or faith. It is happening because of the number of people trying to get into Catholic schools. The administration of the schools need some flexibility.

CHAIR GOLD: So you fear that the inclusion of the word religion would cause problems.

CASTAGNA: It may. Is not trying to exclude students who are not Catholic, but need to have the flexibility to take people from the school's own parish or church.

SEN. GRENSKY: Understands, but doesn't agree. You are saying you don't want the word religion in here for purposes of segregation.

CASTAGNA: Need flexibility. Is not trying to segregate Catholics from non-Catholics. There are many non-Catholics in Catholic schools now.

150 SEN. BROCKMAN: Are you uncomfortable about inserting the word religion? It is boilerplate language.

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CASTAGNA: No, that could be part of the study.

SEN. PHILLIPS: The boilerplate language is fine. You want the study to see how you would work together, rather than mandate it.

CASTAGNA: Administratively, schools would be allowed the flexibility to select people of their own faith.

CHAIR GOLD: Recesses the hearing at 10:27 a.m. Reconvenes the hearing at 4:20 p.m. in Room 343. The full committee is present.

New Issue           Presents the HB 3565-A15 amendments, the LC draft of the amendment to Section 1 she suggested this morning (EXHIBIT B).

228       SEN. TROW: Suggests making the interim committee monitor the Department of Education as it begins its process of implementing the act. SEN. PHILLIPS: That might be more than we can do because of the branches of government. We can ask for regular updates from the department as to their progress on implementation. CHAIR GOLD: Had the interim committee develop an on-going review of the implementation.

-                   Agrees with Sen. Phillips' suggestion.

SEN. TROW: Believes the legislature has the ability to monitor what any agency does.

SEN. PHILLIPS: Agrees, but it is a matter of management in the interim.

CHAIR GOLD: You are suggesting a Section 1a, subsection (c) that states "Receive and evaluate regular updates from the department involved in the implementation of the Act." Or maybe we should name the Department of Education and other agencies.

275   SEN. BROCKMAN: You should put other agencies and committees because we are creating other committees in the bill.

CHAIR GOLD: Will ask LC for a generic word describing other agencies and committees.

MOTION: Chair Gold moves the HB 3565-A15 amendments with the addition of Section 1a, subsection (c) as previously worded.

VOTE: In a voice vote, there were no objections. CHAIR GOLD: You can disregard EXHIBIT A. The LC version is what we adopted.

310   SEN. PHILLIPS: Is the Education Committee mentioned in statute as a standing committee?

New Issue           CHAIR GOLD: No. Introduces the HB 3565-A17 amendments (EXHIBIT C) which are the amendments on including private schools in the educational choice issue. Presents the original amendments requested by Bob Castagna (EXHIBIT D).

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355   SEN. PHILLIPS: The Castagna amendments (EXHIBIT D) refer to the Board of Education and the HB 3565-A17 (EXHIBIT C) refer to the Department of Education. There is a substantial difference.

SEN. TROW: Does the Castagna amendment delete anything, or is it just an addition to what is there?

BOB CASTAGNA: Had not seen the LC amendment when he drafted his version. Does not object to the HB 3565-A17 amendments. Would like a date parallel to the July 1, 1992 date in subsection 1.

SEN. TROW: The two amendments are a little different. You are asking for a feasibility study. Do you want both of the amendments?

Issue Flagged 406 SEN. PHILLIPS: Either one gets to the idea of the feasibility study. Is more comfortable with saying the Department of Education. The substantive language is the addition of the subsection 2. Wants to adopt the two subsections and write a letter to the Senate President asking for an attorney general opinion on the separation of church and state.

450 SEN. TROW: What would be the question put to the attorney general.

SEN. PHILLIPS: Would work with the Department of Education for that. It would be similar to the questions Sen. Grensky raised earlier: Can the department draft rules governing private schools? We need some legal advise.

SEN. GRENSKY: Doesn't understand what the objective of the amendment is. The language says to identify "obstacles that impede choice". What is that for?

CHAIR GOLD: That is the original language as it came from the House. We are talking about adopting Mr. Castagna's suggestion of adding subsection 2.

TAPE 117, SIDE A

033 SEN. GRENSKY: So the first part of Section 17 is not before us?

SEN. PHILLIPS: We adopted that yesterday.

CHAIR GOLD: Before us is the feasibility study. The committee was uncomfortable about mandating to private schools, so we made it a feasibility study. That is where the HB 3565-A17 amendments come from.

SEN. PHILLIPS: To bring it full circle, asked for an attorney general opinion.

GREG MCMURDO: The department is the proper place to do the study and report. If the amendment is adopted it will be unbudgeted costs and resources to the department. The bill is underfunded by \$1 million. The feasibility study will costs about \$45-75,000. Is concerned with . . . Those minute~ contain tneterialr which paraphrase and/or summarize sta~ments made during this session Only text enclosed in quotation marks report e speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Eduattbn June 13, 1991 - Page 16

the state constitution that says no money shall be drawn from the treasury for the benefit of any religious or theological institution. May want to ask the attorney general what we can do.

CHAIR GOLD: How soon can we get an attorney general opinion.

MCMURDO: Not before we finish work on the bill.

SEN. TROW: We could get an opinion from Legislative Counsel.

MCMURDO: It may be possible to get someone from the attorney general's office to give some advice to the committee.

SEN. PHILLIPS: Wants a formal attorney general opinion. The issue is raised in every legislative session. An opinion will guide the

department.

MCMURDO: As long as the committee understands that, if this is adopted, the department will seek an opinion and be bound by it.

SEN. TROW: We could put language in that says if it is legally feasible.

095 MOTION: Sen. Phillips moves subsection 2 of Section 17 of the HB 356 5-A17 amendments and to insert "In the accordance with guidance from the attorney general's office" after "Oregon" on line 13. SEN. BROCKMAN: We should put a date in also to coincide with 1992 mentioned in subsection 1. SEN. PHILLIPS: Doesn't think the committee needs to. Subsection 2 asks for a report to the next Legislative Assembly. SEN. PHILLIPS: Restates his motion and the additional language. 125 JOHN DANIELSON, Oregon Education Association: Educational choice is an issue OEA is opposed to. Voters defeated Measure 11 in November. The amendment is unnecessary and wasteful. Believes it is unconstitutional. Will litigate if this is passed. Will oppose the total bill if it is included. CHAIR GOLD: Makes a friendly amendment to Sen. Phillips motion to delete "Nothing in this section is intended to allow segregation" on lines 8 and 9 of the HB 356 5-A17 amendments and to add religion to the anti-discrimination clause. 180 SEN. TROW: Is opposed to Sen. Phillips motion. SEN. GRENSKY: This bill is becoming a garbage can for legislation that cannot make it elsewhere. This should have been debated on the House side. An issue like this should be in its own bill. The educational choice issue was defeated at the ballot last fall and we shouldn't put out money to study something voters said they didn't want to do.

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200 CHAIR GOLD: Separates her friendly amendment from Sen. Phillips motion. Will consider - Sen. Phillips motion to adopt lines 10-14 of HB 3565-A17.

VOTE. In a roll call vote, the motion carries 4-3. Voting NAY: Sen. Grensky, Sen. Trow and Chair Gold.

CHAIR GOLD: Will not take action on subsection 1 of Section 17. The committee has acted on it before.

New Issue Introduces the HB 3565-A16 (EXHIBIT E). These amendments were suggested by David Connely of the University of Oregon as a way of transitioning from primary grades in the act and moving toward high school. 265 SEN. TROW: Likes the amendments. Hopes there can be more heterogeneous grouping so that kids from all backgrounds can experience working and learning together. This is what the amendments get at. MOTION: Chair Gold moves to adopt the HB 3565-A16 amendments. SEN. PHILLIPS: Objects to the amendments. MCMURDO: The department is being strangled with reports. The amendments require another report on line 9. How can we implement anything if we are doing all these reports? SEN. TROW: Let's hope that when we do implement the act, that we look at the middle grades in preparing the students for the Certificate of Mastery. 300 CHAIR GOLD: Doesn't see this as another report. Sees it as another concern expressed to transitioning. It is something you should be doing anyway. We are stating it in the bill so that it is clear that

the department should do it. SEN. GRENSKY: Are we doing the study and development of the early grades and then later do we detect a gap? CHAIR GOLD: Yes, that is why this issue was raised. Some were concerned that because it was not said in the bill to give attention to the middle education levels, it might not be done. SEN. PHILLIPS: If we have to articulate every fine point of reform, the bill would be very long. SEN. TROW: Objects to other portions of the bill because they are extraneous, but this is important. This is the teaching part of the bill.  
342 REP. KATZ: Agrees. The policy issue is the important part of the bill. It is the intent that the process would go through to the Certificate of Initial Mastery. If the committee is nervous that it will not happen, the language in the amendments is fine. The department is nervous about all they are being asked to do and if they will be able to get it done.

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CHAIR GOLD: This is something that the department should be doing anyway. Is responding ~ to the people who have come before the committee.

VOTE: In a roll call vote, the motion carries 6-1. Voting NAY: Sen. Phillips.

425 CHAIR GOLD: Wants to continue with the HB 3565-9999 amendments at Section 17. Recesses the hearing at 5:05 p.m. Chair decides not to reconvene the hearing at 6:00 p.m.

Submitted by: Reviewed by:

Angela Muniz Jan Barga Assistant Administrator

EXHIBIT LOG:

A - Amendments to HB 3565-A - Sen. Shirley Gold - 1 page B - Amendments to HB 3565-A - Staff- 1 page C - Amendments to HB 3565-A - Staff- 1 page D - Amendments to HB 3565-A - Bob Castagna - 1 page E - Amendments to HB 3565-A - Staff- 1 page

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