

SENATE COMMITTEE ON EDUCATION

June 14, 1991 Hearing Room B 8:00 p.m. Tapes 118 -121
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: Sen. Stan Bunn Rep. Vera Katz STAFF
PRESENT: Jan Barga, Committee Administrator Angela Muhiz, Committee
Assistant

MEASURES HEARD: HB 2574 - Home School Participation in Scholastic
Activities - WS HB 2820 - Requirements for Home Schooling - WS 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 118, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 8:20 a.m. Present at 8:20
a.m.: Sen. Brockman, Sen. Dukes, Sen. Grensky, Sen. Phillips, Sen. Trow
and Chair Gold.

HB 2574 - HOME SCHOOL PARTICIPATION IN SCHOLASTIC ACTIVITIES - WORK
SESSION: Witnesses: Gary Lineburg, Citizen

Chair Gold leaves the hearing and passes the gavel to Sen. Trow.

JAN BARGEN, Committee Administrator: Presents and explains the HB
2574-B6 amendments (EXHIBIT A). It makes the provision that home school
students fulfill class requirements related to an interscholastic
activity they participate in.

045 GARY LINEBURG, Citizen: The amendments clarify the intent of the
bill. (Presents memo clarifying questions raised during the public
hearing on the bill (EXHIBIT B).)

MOTION: Sen. Trow moves to adopt the HB 2574-B6 amendments.

VOTE: In a voice vote, the motion carries. Senate Committee on
Education

MOTION: Sen. Grensky moves for passage of HB 2574-B as amended to the
floor.

SEN. PHILLIPS: Supports the bill for a somewhat different reason. Hopes
home school children will get to socialize more and see the good aspects
of the public school system. Hopes the home school children will be
drawn back into the public school process and the parents will see the
value of the process.

SEN. TROW: As taxpayers, home schoolers have the right to use the public
school. Is glad to support the bill.

VOTE: In a roll call vote, the motion carries 4-1-2. Voting NAY: Sen.
Dukes. Excused: Sen. McCoy and Chair Gold. Sen. Grensky will lead the
floor discussion. (Sen. McCoy and Chair Gold later return and cast AYE
votes.)

SEN. TROW: Recesses the hearing at 8:27 a.m.

CHAIR GOLD: Reconvenes the hearing at 8:42 a.m. Casts an AYE vote on HB 257 4-B.

SEN. MCCOY: Also casts an AYE vote on HB 2574-B.

The committee received testimony from Tom Hinkle and Sue Scott in support of HB 2574 (EXHIBIT C).

HB 2820 - REQUIREMENTS FOR HOME SCHOOLING - WORK SESSION: Witnesses: Sharon Gray, Executive Department Sen. Jim Bunn, District 15 Dennis Turee, Parents Education Association Greg McMurdo, Department of Education

095 SHARON GRAY, Executive Of fice: Presents a letter from Governor Roberts in opposition to HB 2820-A (EXHIBIT D).

CHAIR GOLD: There have been a number of potential amendments suggested. Two have been drafted by Legislative Counsel which she believe may be acceptable to everyone involved. Presents the HB 2820-A9 amendments (EXHIBIT E) which would create an advisory committee to the state board. Presents the HB 2820-A, amendments (EXHIBIT Ei) which would create an statutory review of what the state board adopts.

178 SEN. JIM BUNN, District 15: Understands the amendments would create a second and third section in the bill.

BARGEN: Presents a hand-engrossed version of the HB 2820-A8 amendments (EXHIBIT G). Section 2 is the advisory committee to the state board. Section 4 makes the advisory committee subject to sunset review. Section 5 declares an emergency. If the committee does not want sunset review, it can use Sections 2, 3 and 5 of the HB 2820-A8 amendments.

CHAIR GOLD: Suggests the committee speak to Sections 2, 3 and 5 of the HB 282 0-A8 amendments. . These minutes contain materials which paraphrase and/or summarize SB tements nude during this session Only text enclosed in quotation marks report a speaker's exact words For complete contents of tho proceedings, please refer to tne tape. Senate Committee on Education May 11, 1991 - Page 3

SEN. BUNN: Approves of Sections 2 and 3 of the amendments. It is important to involve home school families in the process. The emergency clause is helpful, but not critical.

CHAIR GOLD: Do you agree to some conceptual language that speaks to the type of review the Legislature has?

SEN. BUNN: According to Legislative Counsel, the language in Section 3 of the amendments now makes it clear that the Legislature is to review the entire context of the act.

BARGEN: Do you want the review occur only next session?

CHAIR GOLD: In the next session, we can decide if more review is needed.
250 DENNIS TUREE, Executive Director, Parents Education Association: Agrees with the concepts in the amendments. Is concerned that the statewide testing in HB 3565 wont occur until after the 1993 Legislative session. There will not be anything to report to the Legislature as asked for in Section 3 of the amendments.

CHAIR GOLD: It would be more of a progress report.

MOTION: Chair Gold moves to adopt Sections 2, 3 and 5 of HB 2820-A8 amendments.

CHAIR GOLD: Section 2 of the amendments have the superintendent's representatives provide staff to the advisory committee. Does the Department of Education want to comment on this?

285 GREG MCMURDO, Department of Education: The state board still objects to the bill because it takes away the statutory level of the 15th percentile from the board. Providing staff to the advisory committee is fine.

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

MOTION: Sen. Phillips moves for passage of HB 2820-A as amended to the floor.

SEN. TROW: The amendments make bill better, but still has problems with the bill. It is bad public policy to lock requirements into statute. Have given the State Board of Education the responsibility to set standards. Will not vote for the bill because of that. Wants to see home schooling work and make sure all children get a good education. The minimum standards in the bill are too minimal, and doesn't want to lock them in statute. The state board has created some antagonism where it didn't need to, but it does has responsibility to set standards over education.

405 SEN. GRENSKY: Is bothered by the legislative/administrative mix. The Legislature is continually doing things the Board of Education should be resolving. We shouldn't be getting into this, but we have addressed other administrative issues this session. The concerns are legitimate and the home school people need some assurance they will not be ignored.

CHAIR GOLD: Procedurally, this is not the way to go. Is willing to try, though. The advisory committee allows us to evaluate next session. . .
~ . - Senate Committee on Education May 11, 1991- Page 4

468 SEN. BROCKMAN: Will these new amendments cause the governor to reconsider her opposition to the bill?

CHAIR GOLD: Doesn't know.

SEN. MCCOY: Feels at ease that the issue will return to the Legislature. The provisions in the bill will establish a relationship between the state board and the advisory committee. That is good.

TAPE 119, SIDE A

037 VOTE: In a roll call vote, the motion carries 5-1-1. Voting NAY: Sen. Trow. Excused: Sen. Dukes. Sen. Bunn will lead the floor discussion. The committee received testimony on HB 2820 from Dale Weight (EXHIBIT H), Douglas Scofield (EXHIBIT I), Kim Gordon (EXHIBIT J) and James Hoge (EXHIBIT K). . 043 CHAIR GOLD: Recesses the hearing at 9:10 a.m. Reconvenes the hearing at 9:26 a.m.

Note: The tape is blank from count 045 to count 085

HB 3565 - OREGON EDUCATIONAL ACT - WORK SESSION: Witnesses: Joyce Reinke, Department of Education Rep. Vera Katz, District 10 Marilyn Coffel, Bureau of Labor and Industry Lee Penny, House Education Committee Kathleen Beaufait, Legislative Counsel Mary Wendy Roberts, Labor Commissioner Greg McMurdo, Department of Education

090 BARGEN: Presents the HB 3565-A24 work copy amendments (EXHIBIT L). These

include changes the committee has made to the bill through yesterday's hearing. This replaces the HB 3565-9999 work copy amendments. It has not been proofread yet. MOTION: Sen. Trow moves to adopt the HB 3565-A24 amendments as the work document, replacing the HB 3565-9999 amendments. BARGEN: Introduces the HB 3565-A19 amendments (EXHIBIT M). They respond to Sen. Trow's interests suggested yesterday. Introduces the HB 3565-A18 amendments (EXHIBIT N). They are language that describe the equivalency of the Certificate of Mastery to a high school diploma. Introduces the HB 3565-A21 amendments (EXHIBIT O). They rewrite Section 22. New ISSUE 160 MOTION: Chair Gold moves to adopt the HB 3565-A19 amendments.

BARGEN: Explains the amendments. They incorporates three concepts: to emphasize learning, to reduce barriers for students seeking more than one endorsement, and to involve teachers in the site committee process. . These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Education Miy 11, 1991- Page 5

200 MOTION: Sen. Trow moves a friendly amendment to delete "a plan for" on line 23 of the amendments. SEN. TROW: Wants teachers involved in the actual implementation of the act, not just coordinating a plan for implementation. VOTE: In a voice vote, there were no objections to the friendly amendment. SEN. PHILLIPS: What are the mechanics behind working not to impose barriers between the different endorsements? How will that work? . 249 JOYCE REINKE, Department of Education: Is concerned about the word "barriers" on line 12. Does encourage movement between the endorsements but doesn't want additional credit hours or time seen as a barrier. For example, if you switch to a different major in college, there may be additional class hours required for the new major. MOTION: Sen. Trow moves to delete "shall not impose barriers to movement" on line 12 of the HB 3565-.19 amendments and insert "shall facilitate the movement." SEN. PHILLIPS: Your definition of "shall facilitate" means that if someone wants to move, you will assist them? This is not to encourage or promote the movement between endorsements? SEN. TROW: The clause before says that the state board shall facilitate in establishing the requirements for the Certificate of Advanced Mastery. In setting the requirements, it ought to be possible for movement to happen. Chair Gold leave the hearing momentarily and passes the gavel to Sen. Trow. REINKE: Suggests adding "shall include but not limited to" on line 19 of the amendments. SEN. TROW: Adds that to the motion. VOTE: In a voice vote, there were no objections. 300 VOTE: In a voice vote, there were no objections to adopt the HB 3565-A19. New Issue BARGEN: Explains the HB 3565-A18 amendments (EXHIBIT N). They explain the equivalency of a certificate of Initial Mastery to a high school diploma. The committee had raised concerns about how students from out-of-state who come into the Oregon system, would be evaluated. The amendments do not speak to private schools and on line 21 the word "any" is too vague. REINKE: Line 21 says "any high school diploma" reflects successful completion of the 12th grade. That implies that a high school could issue a diploma in leu

of a Certificate of Advanced Mastery. The language needs to clarify that it is any diploma issued by a private school or an out-of-state school. Is concerned about the word "equivalent" because it would not be totally equal. Also need to add language that says a Certificate of Advanced Mastery could be

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 May 11, 1991-
Page 6

equivalent to a high school diploma if an Oregon student is transferring out of state. 366 SEN. TROW: If it is not equivalent, what will it be?

REINKE: There needs to be some evaluation by the person reviewing the certificate. Hopes the Certificate of Advanced Mastery would be at a higher level than a high school diploma.

SEN. TROW: Suggests "Any high school diploma issued by a secondary school from another state or private school as signifying successful completion of grade 12 shall be evaluated as to its equivalency with the Certificate of Advanced Mastery."

400 REINKE: Suggests the word "acceptable". On line 22: n... shall be considered acceptable for the purpose of granting any rights or privileges" of the Certificate of Advanced Mastery.

SEN. PHILLIPS: Wants to send this back to LC. We are not going to move this bill now.

REINKE: Is not sure that a GED certificate is comparable to a Certificate of Advanced Mastery, in subsection 3 of the amendments. Suggests waiting on that determination.

SEN. DUKES: Section 25 in the HB 3565-Also amendments allows a student to attend any public institution that enrolls the student. Does that mean that a student can attain the Certificate of Initial Mastery and then go to any school regardless of districts?

457 REINKE: Yes, that is the intent, but it is up to the district to enroll the student.

SEN. BROCKMAN: Does the Certificate of Advanced Mastery have curriculum comparable to a high school diploma now, or does it have more?

REINKE: Assumes that a Certificate of Initial Mastery would be more equivalent to a diploma. A Certificate of Advanced Mastery would be more improved as far as school.

REP. VERA KATZ, District 10: This will lead us to be the best in the nation. The curriculum would be at a higher level.

TAPE 118, SIDE B

033 SEN. BROCKMAN: SO a diploma would be in-between the two certificates?

REP. KATZ: It would probably be like a Certificate of Initial Mastery.

SEN. MCCOY: If that is the case, then with a Certificate of Initial a student could go to any college or school.

New Issue BARGEN: Explains the HB 3565-A21 (EXHIBIT 0). This rewrites Section 22. The chair suggested the language to keep decisions about a minor working while going to school in the realm of the parents, the student, the employer and the school rather than the Wage and Hour Commission.

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 Md, 11, 1991 - Page 7

REP. KATZ: Doesn't have a problem with the amendments, but Labor Commissioner Roberts doesn't know about them.

SEN. DUKES: Wants to hear from the commissioner. It is a major change. Is not comfortable with the Department of Education on a number of issues, including this one.

SEN. PHILLIPS: Section 22 has been debated. A prohibition on employment is discriminatory and unacceptable. Wants a discussion of work with the school, the parent, the student and the employer. The phrase "conditions under which" on line 9 goes beyond the intent. It could be interpreted as the work environment. Doesn't want to prevent people who must work, from working. The language is restrictive in a different way.

Chair Gold returns to the hearing.

125 SEN. GRENSKY: What was the rationale for changing the wording to the "conditions" of employment. There are two changes in the amendments: one reducing the Wage and Hour Commission's control, the other is the potential expansion of what the amendment is intended to do. CHAIR GOLD: The matter of whether a minor works while in school is between the parent, the school, the employer and the minor. The coordinating agency of the bill is the Department of Education. They should act on the advice of the Wage and Hour Commission to develop rules for minors who work while in school. Resents giving total authority over to the Wage and Hour Commission.

188 SEN. MCCOY: Disagrees. The Wage and Hour Commission is responsible for minors who want to work. The Wage and Hour Commission is involved with the education because they conduct educational programs.

CHAIR GOLD: The amendment accommodate the commission's ORS responsibilities.

SEN. BROCKMAN: The ambiguity in line 9 has everyone giving different interpretations to the "conditions" of working. You believe that the "conditions" are if the student is doing well in school and the job is not to taxing. Sen. Phillips and Sen. Grensky interpret "conditions" to mean the conditions in the work place.

210 SEN. PHILLIPS: What you want is what was discussed in committee.

CHAIR GOLD: Conditions of the work place is not her intent.

SEN. GRENSKY: The amendment is fine except for the "conditions" language

in line 9.

SEN. TROW: Suggests changing "conditions" to "terms".

CHAIR GOLD: This has to do with the development of rules proposed in the next assembly. After those rules are adopted, the Wage and Hour Commission will govern the work place. The Department of Education will not be the governing agency. Senate Committee on Education May 11, 1991-PaBe 8

SEN. PHILLIPS: The amendments get to the root of the problem in the original bill. That language was discriminator; this language allows the flexibility for students to work if they need to.

251 SEN. TROW: The sentence beginning on line 11 of the amendment is vague. Suggests saying "The rules shall provide opportunities ... by the individual student, ...". That is more specific.

MARILYN COFFEL, Bureau of Labor and Industries: The Wage and Hour Commission is the body designated to make rules for the employment of minors. Is uncomfortable splitting or dividing that authority with the Department of Education. The expertise in the Education Department may be lacking, but there is no problem working with them to develop the rules.

CHAIR GOLD: We are not going to make the rules without you.

SEN. TROW: Suggests wording it to say the Wage and Hour Commission draft the rules with the advice of the State Board.

SEN. GRENSKY: Doesn't like that suggestion. The amendments are a good idea.

MOTION: Sen. Phillips moves to adopt the HB 3565-A21 amendments.

300 CHAIR GOLD: Will not recognize Sen. Phillips' motion. These are rules to be proposed to the legislative assembly that are then put into law. It is clear that the Wage and Hour Commission governs it. The aim is to see that the coordinating agency for the bill is the one that initiate the activity. Objects to switching the authority back to the Wage and Hour Commission.

SEN. TROW: You have the State Board of Education adopting rules and they don't have the authority to do that.

COFFEL: Commissioner Roberts is supportive of this legislation. Commits to addressing the committee's concerns in drafting the rules.

SEN. DUKES: Doesn't understand one agency making rules that the Legislature would adopt and another agency would follow. Understands that you want both groups involved. If the Wage and Hour Commission is enforcing the rules, they should make them.

COFFEL: Will commit to an interagency agreement. Is concerned about the authority being in different places.

351 CHAIR GOLD: You would have to adopt the rules by July 1, 1997 according to the amendments. Do you object to subsection 4 of the amendments? COFFEL: No, but is it a correct procedure? SEN. TROW: If we substituted the Wage and Hour Commission for the State Board, the

procedure would be correct. CHAIR GOLD: Wants the proposed rules shared with the education committees first, not the

These minutes contain material 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 May 11, 1991 Page 9

labor committees. COFFEL: If the language is procedurally correct, does not object. SEN. TROW: If you want it to go to the education committees, should say that in the amendments: "The State Board will present the rules drafted by the Wage and Hour Commission to the education committees of the legislative assembly for review." BOLI is the one to do the rules. 409 LEE PENNY, Committee Administrator, House Education Committee: Explains the adoption of Section 22 in the House. Job labor is BOLI's province, but the committee had same concerns. It wanted to see the rules before they were approved. On page 22, lines 5-7 of the HB 3565- A24 amendments, the bill instructs the commission to come back to the legislature for that purpose. It was never intended that those rules become statute. 453 MOTION: Sen. Phillips moves to adopt the HB 3565-A21 amendments and to change on line 9 "condition" to "terms", on line 11 "shall reflect" to "provide", on line 12 "for" to "by". CHAIR GOLD: Sen. Trow wanted to switch the State Board with the Wage and Hour Commission. SEN. PHILLIPS: That would not be a friendly amendment. It would change the purpose of the amendments.

TAPE 119, SIDE B

037 SEN. TROW: Would like to amend the amendments separately from Sen. Phillips' motion.

CHAIR GOLD: Ms. Coffel, you spoke about a possible joint activity. Could you explain?

COFFEL: It is common to be directed to have an interagency agreement to develop the rules and bring them to the Legislature.

063 CHAIR GOLD: The 1997 activity to formally adopt the rules is what you have to do.

COFFEL: That is what the Wage and Hour Commission has to do.

CHAIR GOLD: The activity leading up to that could be under an interagency effort.

COFFEL: Yes. We could work on public hearings together and direct staffs to work together. Is happy to do that.

CHAIR GOLD: How would we have to change the wording to include that.

COFFEL: - "The Wage and Hour Commission together with the State Board of Education shall submit proposed rules." Any other direction could be entered into the record.

These minutes contain material 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 May 11, 1991- Page 10

SEN. PHILLIPS: That is already accomplished when you say "the State Board with the advice of" We don't need to convolute it. The motion achieves what Ms. Coffel suggests.

095 CHAIR GOLD: Agrees that line 6 and line 8 imply that the State Board adopts the rules for the Wage and Hour Commission. That can be taken care of grammatically.

SEN. PHILLIPS: We are asking the State Board in consultation with the Wage and Hour Commission to adopt rules regarding the terms that someone will work as it affects their academic learning. It doesn't mention a thing about the statutory authority they have.

SEN. TROW: Wants to act on Sen. Phillips' motion and then get Legislative Counsel to speak to the committee.

CHAIR GOLD: Yes. What Sen. Phillips is saying is that the amendments make it an educational issue rather than work place item.

SEN. PHILLIPS: Doesn't want to prohibit people from working if they need to and it doesn't interrupt their academic learning. We are talking about the academic educational side.

SEN. TROW: Fine, but wants LC here to discuss it.

VOTE: In a voice vote, the motion carries pending LC discussion.

164 CHAIR GOLD: Recesses the hearing at 10:30 a.m. Suggests the committee members eat a banana for their calming effects. Reconvenes the hearing at 11:27 a.m. Suggests proceeding with other sections of the bill until the revised amendments are ready in LC. Staff is working with LC and other interested parties on the amendments. SEN. PHILLIPS: Staff and the parties concerned are redrafting amendments outside of the committee without testimony. That is not the correct process.

210 CHAIR GOLD: Her intent was an educational one. We need a new legal precedent. SEN. PHILLIPS: That is a strange precedent. The committee made it clear and adopted the motion on the contingent that it wanted LC here for advice. This is a public process talking place somewhere else. CHAIR GOLD: LC will be here. Wants to use the time effectively. New Issue Moves to the Section 25 of the HB 3565-A 4 amendments. 250 SEN. TROW: Reviews the changes made to Section 25 with the HB 3565-A18 amendments.

CHAIR GOLD: Does the department feel comfortable with the suggested definitions of the Certificates of Mastery? JOYCE REINKE: The determination of whether the Certificate of Advanced Mastery should be made by the employer or college. Is wondering whether the language she suggested earlier

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation rka report a apellker'a exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Education Ma, 11, 1991 - Page 11

needs to be in the bill.

306 SEN. TROW: It can be in the bill with the idea that it will be reviewed and changed if needed. Schools will be accepting students from

other states that will have a different system. Don't want to create barriers for those out of state students.

REINKE: The institution will look at record and grades to evaluate the student for admission.

SEN. TROW: The language we are considering would do that. Wants to move the amendments, unless the department thinks it is bad advice.

CHAIR GOLD: Could you repeat your suggested language.

REINKE: On line 21 of the HB 3565-A1' amendments: "A high school diploma issued by a private or out-of-state secondary school as signifying successful completion of grade 12 shall be acceptable in leu of a Certificate of Advanced Mastery for purpose of any rights or privileges that attach to the holder of a Certificate of Advanced Mastery."

354 SEN. BROCKMAN: The Certificate of Advanced Mastery isn't really comparable but it will be accepted.

SEN. TROW: As time goes on we will continue to review it.

CHAIR GOLD: The committee has amended Section 1 so that this bill will be reviewed by every Legislative Assembly until the year 2000.

MOTION: Chair Gold moves to adopt the suggested language to the HB 3565-A18 amendments. VOTE: In a voice vote, there were no objections.

MOTION: Chair Gold moves to delete lines 1-6 on page 2 of the HB 3565-A18 amendments.

404 SEN. BROCKMAN: What will the fate of the GED certificate be?

CHAIR GOLD: The bill is silent on the GED. It means that things will remain the same until we change it.

SEN. BROCKMAN: If we adopt the language on GED's then anyone who has a GED now will have the considered equivalent of the Certificate of Advanced Mastery.

SEN. TROW: That may be the case now, but as the bill develops, GED's will be upgraded.

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

451 MOTION: Sen. Trow moves to adopt the amended HB 3565-A18 amendments and add them into the HB 3565-A24 amendments.

These minutes contain terials which paraphrase and/or summarize statements made during this scasion Only text enclosed in quotation marlc~ report · speaker'll exact words For complete contents of the procoedinge, please refer to the tapes Senate (~.nmmi~ on Edncnction May 11, 1991 - Page 12

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

BARGEN: Has been working with LC to prepare another draft of the HB 3565-A21 amendments. They will be ready this afternoon.

New Issue CHAIR GOLD: Moves to Section 20 of the HB 3565-A24 amendments.

TAPE 120, SIDE A

039 MOTION: Chair Gold moves to adopt Section 20 of the HB 3565-A24 amendments.

Issue Flapped SEN. PHILLIPS: Wants to include the definition he has referred to and the issues Frank McNamara has raised in this section.

MOTION: Chair Gold withdraws her previous motion.

050 CHAIR GOLD: Recesses the hearing at 11:46 a.m. Reconvenes the hearing at 3:15 p.m. in Room 343. Present at 3:15 p.m.: Sen. Brockman, Sen. Grensky, Sen. Phillips, Sen. McCoy and Chair Gold. New Issue Presents the HB 3565-A25 amendments (EXHIBIT P). The new amendments are revisions of the HB 3565-A21 amendments in response to concerns raised earlier. KATHLEEN BEAUFIT, Legislative Counsel: The suggestion was the State Board should propose rules for working minors who are still in school. The proposed rules would go to the Legislature for review and approval. It was necessary to recognize the Wage and Hour Commission's authorization to regulate child labor. Issues that weren't addressed in the amendments: - Whose rules take precedence: There is a potential for the State Board's rules to come into conflict with the Wage and Hour Commission's rules. 113 SEN. PHILLIPS: The committee has made it clear what it wants. The rules come back to the Legislature for review so maybe it should be the one to work out conflicting rules. BEAUFIT: Yes, that would work. Another problem is the enforcement mechanism. The Wage and Hour Commission has an enforcement mechanism through BOLI. The amendments do not reference who will enforce the rules. SEN. MCCOY: Is it possible that we could do anything that would supersede what BOLI can do regarding employment of minors? BEAUFIT: Is concerned that if there is a conflict, who will resolve the conflict. 151 SEN. MCCOY: Can the Department of Education even set rules for working minors? Doesn't think that is within the realm of the department's authority. CHAIR GOLD: The Department of Education can set rules regarding a minor's academic learning.

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 May 11, 1991 - Page 13

BEAUFIT: The amendments read that the State Board is suppose to set rules "applicable to the continuation of education of minors ...".

SEN. MCCOY: Does not want to give that authority to the State Board.

CHAIR GOLD: Does the State Board now have the authority for the continuation of education of minors?

BEAUFIT: The Department of Education through the rule making relating to mandatory school attendance has authority over when a child is in school until the student is 17 or graduates from high school.

CHAIR GOLD: Refers to the amended Section 1 that designates the Department of Education as the coordinating agency for the Act. Also, the act will be reviewed by each Legislative Assembly until the year 2000. How does that section relate to the amendments before the committee?

BEAUFAIT: They are not inconsistent. The intervening Legislative sessions allow you to do a number of things in review and rework.

211 CHAIR GOLD: Does Section 22 in the amendments read as an indication of wanting a collaborative effort in agencies toward implementation of the Act?

BEAUFAIT: It is in the eye of the receiver, but they are in the direction that you want to go. It doesn't cover the potential problems she raised, but by the time this is in effect they may be addressed.

MARY WENDY ROBERTS, Commissioner, Bureau of Labor and Industry: What is the distinction of the "employment conditions of minors"?

BEAUFAIT: Is not sure why the word "condition" was added to the HB 3565-A25

amendments.

253 SEN. PHILLIPS: In one section of the amendments the committee wanted to address the education side of employment of minors. Is not trying to supersede the authority of the Wage and Hour Commission. Just wants to clarify that you can do what you already do, but subsection 2 of the amendments deals only with education.

ROBERTS: Is concerned that the language could imply the Wage and Hour Commission was limited in what "conditions" of employment it regulates. Wants it clarified that was not the committees intention.

SEN. PHILLIPS: No, that is not what we intended.

CHAIR GOLD: The committee has no intention on interfering on the authority that your agency now has.

SEN. GRENSKY: Are there going to be any further amendments to this amendments?

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 May 11, 1991- Page 14

CHAIR GOLD: Not that she is aware of. GREG MCMURDO, Department of Education: Notes a typo on line 14. Suggests deleting the "," after "minor" and inserting "by".

300 ROBERTS: Since nothing takes place until 1997, there is time to deal with some of the duplication that will occur. Is concerned with the public trying to find a forum to get some rules. The public needs to understand that there will be two forums they need to address. Doesn't want anyone to get left out because they didn't know who to address.

SEN. MCCOY: On line 7 of the amendments, it says "with the advice of the Wage and Hour Commission". That is not binding. Of the three other boards mentioned, who takes precedence over what? 362 BEAUFAIT: The final responsibility is with the State Board. The State Board seeks advice and input from the other three agencies. That does not mean those agencies bind the decision of the State Board. SEN. MCCOY: The Wage and Hour Commission has this authority already; the State Board does not. BEAUFAIT: The Wage and Hour Commission will continue to deal with the

hours and conditions of employment. The State Board will be able to regulate working as it relates to education.

395 MOTION: Sen. Phillips moves to withdraw the HB 3565-A21 amendments tentatively adopted regarding the Wage and Hour Commission.
VOTE: In a voice vote, there were no objections. MOTION: Sen. Phillips moves to adopt the HB 3565-A25 amendments with on line 14 the "," deleted and "by" inserted and on line 21 "conditions" inserted.
VOTE: In a roll call vote, the motion carries 4-1-2. Voting NAY: Sen. McCoy. Excused: Sen. Trow and Sen. Dukes.

SEN. GRENSKY: Wants the groups mentioned to work together in the interim and try to have something to present to the next legislature. New Issue 455
CHAIR GOLD: Reviews Section 37 in the HB 3565-A24 amendments. It is the disclaimer relating to money to fund the Act. There have been a number of suggested amendments, but wants to get the issue before the committee. MOTION: Chair Gold moves to adopt Section 37 in the HB 3565-A24 amendments.

TAPE 121, SIDE A ,

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 May 11, 1991- Page 15

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

SEN. PHILLIPS: The only things left undone are the suggestions from Frank McNamara.

060 CHAIR GOLD: In terms of substance we are still at Section 19.
Adjourns the hearing at 3:40 p.m.

Subnitted by: Reviewed by: Angela Muniz Jan Barga Assistant
Administrator

EXHIBIT LOG:

A - Amendments to HB 2574 - Staff- 1 page B - Testimony on HB 2574 - Gary Lineburg - 4 pages C - Testimony on HB 2574 - Tom Hinkle - 1 page D - Testimony on HB 2820 - Gov. Barbara Roberts - 1 page E - Amendments to HB 2820 - Staff- 4 pages F - Amendments to HB 2820 - Staff- 4 pages G - Hand-engrossed version of HB 2820 - Staff - 4 pages H - Testimony on HB 2820 - Dale Weight - 1 page I - Testimony on HB 2820 - Douglas Scofield - 1 page J - Testimony on HB 2820 - Kim Gordon - 1 page K - Testimony on HB 2820 - James Hoge - 1 page L - Amendments to HB 3565 - Staff- 34 pages M - Amendments to HB 3565 - Staff- 2 pages N - Amendments to HB 3565 - Staff- 2 pages O - Amendments to HB 3565 - Staff- 1 page P - Amendments to HB 3565 - Staff- 1 page

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 content of the proceedings, please refer to the tapes. .