

SENATE COMMITTEE ON EDUCATION

June 17, 1991 Hearing Room B 8:00 a.m. Tapes 122 - 127
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 HB 2573 -
Defines Common School District - 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 122, SIDE A

005 CHAIR GOLD: Calls the hearing to order at 8:23 a.m. Present at
8:25: Sen. Brockman, Sen. Phillips, Sen. McCoy and Chair Gold.

HB 3565 - OREGON EDUCATIONAL ACT - WORK SESSION:

035 CHAIR GOLD: We will start reviewing the bill at section 20 on
page 19 of the HB 3565-A27 work copy #3 (EXHIBIT A). > Refers to
outline of the remaining issues for the committee to consider including
or clarifying in the bill (EXHIBIT B). 069 SEN. PAUL PHILLIPS: There
are two definition issues we have not addressed in section 20 (3) (a) and
(b). > Would also like to see some additional information concerning
nongraded primary schools. 085 JAN BARGEN, committee administrator: I
had understood the concern to be one of consistency among the several
sections that refer to this. I thought we had achieved that in section 3
(4) and (5), lines 14-16 on page 3. 136 SEN. PHILLIPS: What does a
solid foundation in critical thinking mean? 141 JOYCE REINKE,
Department of Education: Reviews information in a handout containing the
highlights on research of critical thinking that would probably clarify
this (EXHIBIT C). > The wording in both sections are basically the same.
162 SEN. PHILLIPS: Will people have to call up the Department to find
out what critical thinking Senate Committee on Education June 17, 1991 -
Page 2

is? Or is it a common phrase?

REINKE: It is part of a new draft of the essential learning skills.

SEN. PHILLIPS: Where is it defined?

REINKE: It is defined in essential learning skills and common curriculum
goals, but a definition could be added at the end of bill. CHAIR GOLD:
Could you provide the committee background information on the ungraded
primary grades?

REINKE: Yes.

224 FRANK McNAMARA, Portland Public Schools: From the discussions, it
sounds like the issues is being addressed in the amendments.

Sen. Dukes arrives at the meeting.

CHAIR GOLD: Suggests the committee read through section 20 on page 19.

SEN. PHILLIPS: I assume procedures will be set up by the Department for
school districts to follow when developing a plan to ensure their

curriculum meets the requirements necessary for their students to obtain certificates of initial mastery (CIM).

273 CHAIR GOLD: Refers to lines 6-11 on page 1 of the work copy indicating that the Department of Education shall be the coordinating agency for further implementation of the Act. SEN. PHILLIPS: If the CIM is first awarded to students in 1996, and school districts need to submit their plans by 1995, will the Department have enough time to review the plans presented in 1995? How much staff will need to be added? REINKE: I don't have answers for those questions because it is in the future. We have moved everything in the timelines ahead one year. SEN. PHILLIPS: Has anybody asked you these questions before and have you discussed the timelines with the superintendent? REINKE: Our restructuring committee has just started looking at what the problems may be and what needs to be done. The answer is no. SEN. PHILLIPS: Have you thought about what will happen in October, 1995, when you find plans that don't meet your criteria? REINKE: Not at this point. 378 BARGEN: Refers to Group #2 (3) in the list of issues (see EXHIBIT B) and talks about the processes that can be expected to occur in the next two years in order for the Department to meet - 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 17, 1991- Page 3

the timelines in the bill.

SEN. PHILLIPS: The school districts are hoping that the Legislature finds a replacement tax that will go into effect sometime 1993. What happens if we fail in that task? This Act will be requiring school districts to submit plans that will totally revamp all of education at the same time they will be trying to figure out how to keep their doors open. If some plans are rejected, how will the Department proceed?

446 CHAIR GOLD: Section 37 says nothing in this Act is intended to be mandated without adequate funding support.

SEN. PHILLIPS: When do we decide that no money is available? Do we ask districts to prepare and submit plans if there will not be funding available?

TAPE 123, SIDE A

025 GREG McMURDO, Department: I don't see anything in section 37 that would keep us from doing that tomorrow or upon the failure of a replacement tax. > If there is not a replacement tax, the Department will be back before the Legislature in 1993 seeking modification to many things.

037 SEN. JOAN DUKES: This issue will come back before us every two years. I don't think it is an all or nothing situation. There are still some things the Department can begin to do without money.

McMURDO: In section 1 (a), you provided for continuing oversight by the appropriate interim committees. There will be a lot of oversight by the Department over school districts as this bill is implemented.

SEN. PHILLIPS: If in 1995 there is replacement revenue, will the Department be asking for additional staff to review proposals?

McMURDO: Hopefully we will only have 170 school districts by 1995. I don't know what the staffing requirements will be. I view this as being a fluid process.

067 SEN. PHILLIPS: You will have to explain this to the school districts.

McMURDO: We have continuing dialogue with the school districts with or without this bill.

CHAIR GOLD: Refers to language proposed in Group #2 (3) on page 4 of the issues handout (see EXHIBIT B). Would it be satisfactory to the committee if we work with Legislative Counsel towards inserting that type of language into the bill?

SEN. PHILLIPS: Suggests having a checklist in the bill so it can be determined what has happened.

CHAIR GOLD: Is the committee satisfied with section 20?

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks repod a speaker's cxact words. For complete contents of the proceedings, please refer to the tapes, - Senate C:ommittee on Education June 17, 1991 ~ Page 4

112 MOTION: CHAIR GOLD moves to adopt section 20 as it reads in work copy #3. There is no objection.

BARGEN: The language on page 21, section 21 (4) could be clearer where it refers to statewide assessment levels. It should be 5 assessment levels.

CHAIR GOLD: Is there any objection to staff working on lines 17-21 on page 21. There are no objections.

152 SEN. PETER BROCKMAN: Are these just nice words for remedial programs on lines 21-25? . REINKE: Talks about the language listing the types of services for students who are not able to achieve the mastery levels as they work towards the CIM.

183 MOTION: CHAIR GOLD moves to adopt section 21 with the understanding that lines 17-20 will be amended for technical reasons. There were no objections. > Explains the language in section 22 that has already been adopted. SEN. DUKES: Section 22 relates to the education of students and not to them working? SEN. PHILLIPS: This languages does not prohibit students from working but it does not encourage them either. SEN. DUKES: Would the Department be setting up conditions under which students would be able to work? CHAIR GOLD: Committee members were concerned that the original language in section 22 was a prohibition, and they thought the continuation in school was the business of the Department of Education, the local school, parents and kids. We had no intention of changing the authority of the Wage and Hour Commission. This was the language arrived at with the help of Legislative Counsel, the Department and the Commission. 317 SEN. DUKES: In the past, it has been the responsibility of the Bureau of Labor to oversee who is working. Now both the Department and the Wage and Hour Commission of the Bureau of Labor are mixed in together. Do you see the Department's role as only related to education and how does that interrelate with the workforce? REINKE: I have the same concerns. The Commission establishes

the rules to give students under age 18 a work permit. If the Department is adding rules to encourage students to stay in school, it needs to work closely with the Commission. I could not give you a definitive answer at this point. CHAIR GOLD: Kathleen Beaufait of Legislative Counsel said the State Department of Education has the responsibility for education. Subsection 5 was added concerning the authority of the Wage and Hour Commission. I feel that is as far as we are going to get at this moment in time. The Legislature will have input four years before this ever happens. SEN. DUKES: It is irresponsible to turn out a piece of legislation directing an agency to do

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 17, 1991- Page 5

something when they don't know what it is we are asking them to do. It would be easier for us to give the agencies more direction. The language has not been explained. 404 SEN. PHILLIPS: The bottom line is that the prohibition is flatly discriminatory and unadoptable as we have discussed it. As a result, your direction is to work with the proper agencies to develop administrative rules and guidelines that will assist individuals to complete their education and work if they have to. Flexibility is the key word. REINKE: My concern was I wanted to be sure that our two agencies are going to work very closely. We will be bring you back something by January, 1993. We certainly want to keep every student working that needs to work. There is no way we are going to be prohibiting students from working. A lot of discussion needs to occur.

TAPE 122, SIDE B

010 MOTION: CHAIR GOLD moves to adopt section 23 of HB 3565. There were no objections. MOTION: CHAIR GOLD moves to adopt section 24 of HB 3565. BARGEN: The largest concern in section 24 is (6) regarding the amount and payment of funds for students participating in learning centers. > Refers to testimony presented by Michael Harris, Oregon Association for Alternatives in Education, at the June 7 meeting (see EXHIBIT H, June 7, 1991) expressing his concern that the resident school district may have financial incentive to retain a student rather than refer him or her to a learning center. > Rep. Katz said the proposed change in section 24 (6) was fine with her. > Another concern is whether learning centers should have advisory involvement of parents, teachers and schools. 067SEN. PHILLIPS: It seems like a participatory process would be helpful. How did the site committees and 21st Century committees expect the learning centers to be integrated in? REINKE: The idea of the site committees would be to work with the schools that these children would be coming from. The learning centers are intended to be for those students who have dropped out of schools. It may be a regional advisory committee. SEN. PHILLIPS: Staff could draft a subsection that calls for a regional advisory oversight group that includes parents, providers of social services and teachers. 113 CHAIR GOLD: We will leave my motion to adopt section 24 and the amendments proposed until we have a quorum. SEN. PHILLIPS: On page 25, line 28, of section 25, the age 19 is used. Is there any significance why age 21 is used for the learning centers? BARGEN: Refers to the changes made in section 26 concerning ages.

These minute. contain rnateriale which psrsphrase and/or summarize daternente 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 17, 1991- Page 6

REINKE: The compulsory school attendance age has been moved to section 19. However, in the learning centers students who have dropped out would fit into the exceptions listed on the previous page. Sen. Grensky joins the hearing at 9:30 a.m. 184 CHAIR GOLD: The motion on adopting section 24 is still before us. There was no objection to adopting section 24. MOTION: SEN. GOLD moves to adopt section 25 without any changes. There is no objection. MOTION: CHAIR GOLD moves to adopt section 26. There is no objection. MOTION: CHAIR GOLD moves to adopt section 27. 224 SEN. BROCKMAN: What is a portfolio? REINKE: It means a representative collection of all of the work a student has done that shows the student has accomplished or mastered a certain level of knowledge. CHAIR GOLD: Is it Legislative Counsel that keeps misspelling endorsement? REINKE: That is correct. Indorsement is the preferred spelling. There is no objection to adopting section 27. 270 MOTION: CHAIR GOLD moves to adopt section 28. BARGEN: At an earlier hearing on the bill, a local labor representative expressed concern that involvement of students in the workplace may result in injury or interfere with apprenticeship programs. Legislative Counsel added a sentence to the bill indicating that nothing was meant to interfere with regular apprenticeship programs. SEN. PHILLIPS: It is in section 5. 13 BARGEN: This committee had expressed interest in a disclaimer that this Act is not meant to interfere with the regular trade and industry training programs.

CHAIR GOLD: In this bill, I don't think we intend to do that. There is no objection to adopting section 28. 332 MOTION: CHAIR GOLD moves to adopt section 29. SEN. BROCKMAN: Why is only the college preparatory endorsement spelled out? REINKE: I had recommended earlier that this section be deleted. This section parallels with section 28. It is a given in the entire bill that there will be two endorsements and this section is

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. Senate Committee on Education
June 17, 1991- Page 7

not needed.

CHAIR GOLD: This section provides comfort to those of us who felt the bill may be too oriented to the vocational program not to the college preparatory program. > There are not objections to section 29.

386 MOTION: CHAIR GOLD moves to adopt section 30.

BARGEN: A workgroup of the Joint Interim Education Committee studied the training of teachers and administrators. There is some proposed language for this section in the handout listing remaining issues to consider including or clarifying (see EXHIBIT B).

SEN. PHILLIPS: Who sets the standards for administrators now? REINKE: Teachers Standards and Practices Commission sets standards now.

SEN. PHILLIPS: I feel the proposed language is too broad and some of these things should be done administratively and not statutorily. > Suggests leaving section 30 as it is.

There are no objections to adopting section 30.

TAPE 123, SIDE B

016 MOTION: CHAIR GOLD moves to adopt section 31. BARGEN: Subsection 1 is new language and has not been previously adopted by the committee.

CHAIR GOLD: Explains her concern for researching extended school year programs before mandating them which is addressed in the new section 31(1). SEN. PHILLIPS: Suggests the language also imply that the fiscal impact will be researched as well.

CHAIR GOLD: The language is intended to relate to all aspects of the extended school year. > Suggests adding some language including fiscal impact on local districts.

079 CHAIR GOLD: Repeats the conceptual amendment for section 31 between lines 15 and 17. > There are no objections to the revised section 31. MOTION: CHAIR GOLD moves to adopt section 32. BARGEN: All of this is part of SB 120. There are no objections to section 32.

148 MOTION: CHAIR GOLD moves section 33.

_. 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. Senate Committee on Education June 17, 1991- Page 8

SEN. PHILLIPS: Was the term "parents of students" defined in the bill?

BARGEN: There is an amendment on page 34 and it belongs in section 33.

SEN. PHILLIPS: Explains his concerns with the definition of "parents".

BARGEN: The question is should there be a definition of parents and should that definition go in section 33. Do you want any further definition of "parent"?

CHAIR GOLD: I would rather have the definition included in section 33 rather than in 34.

MOTION AMENDED: SEN. GOLD amends her motion to include moving the language on lines 22-24 on page 34 to section 33.

257 ALAN TRESSIDER, OSB A: You may want to consider adding prekindergarten through grade 12 so you don't exclude those parents.

CHAIR GOLD: Adopts the suggestion and reads proposed language. BARGEN: There was an earlier concern for a definition of nongraded primaries.

CHAIR GOLD: I am inclined to leave it in the section on nongraded primaries. As it evolves, we will know what it is. > There are no objections to section 33 as amended.

313 MOTION: CHAIR GOLD moves to adopt section 34. We had previously adopted the underlined language and the deletions, but not the substance of this section.

342 MERRILY HAAS, OAEYC: There is an inconsistency on page 32, line

25-29 in (3) and on lines 19-20 on page 33 concerning the selection of site committee members. SEN. PHILLIPS: Wouldn't the selection by peers be by the parent organization representing the school? HAAS: Assumes that is how current representatives are chosen. BARGEN: We could just delete this new language. SEN. PHILLIPS: Yes, because I would rather have parents active in the district select the people most likely to participate. CHAIR GOLD: Sen. Phillips suggests the deleting the underlined sentence on page 33 on lines 19-20. REINKE: You are talking about two different committees. On page 32 it is the building site committee and on page 33 it is the district site committee. You could use the same language in both places. . . 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 17, 1991- Page 9

HAAS: The section that causes the contradiction is on line 26, of page 32.

444 CHAIR GOLD: The new suggestion is that on line 26, of page 32, we delete "parents of students". On lines 21-22 of page 32 and lines 19-20 on page 33 the language would remain.

TAPE 124, SIDE A 027 BARGEN: A suggestion is to word the language on page 33 in this regard exactly the same as the language on page 32 in lines 21-22.

SEN. PHILLIPS: I don't care whether or not the building site committee members are selected. I do care how they are selected on a district site committee. Those are two different groups.

MOTION: CHAIR GOLD moves to delete "parents of students" and lines 19-20 on page 32 and the underlined sentence on lines 19 and 20 on page 33. > There are no objections to the proposed changes.

102 MOTION: CHAIR GOLD moves to adopt section 35 with the deletion of lines 22-24 on page 34. BARGEN: This section was added as a conformance amendment. Only change is on line 6 on page 35. There are no objections to the adoption of section 35 as amended. 133 MOTION: CHAIR GOLD moves to adopt section 36. > There are no objections to adopting section 36. CHAIR GOLD: Section 37 was adopted at the last work session. On line 28, the word "department" needs to be substituted for the word "board". MOTION: CHAIR GOLD moves to reconsider the motion by which the committee adopted section 37. > There is no objection. MOTION: CHAIR GOLD moves the deletion of the word "board" on line 28 and the insertion of the word "department". SEN. PHILLIPS: The key word is implemented. > Suggests ending the section with implemented on line 27 in section 37 or substituting "department" for "board" and putting in a timeline for reporting on fiscal impact to the Legislature. > It is a major policy decision no matter who is involved. 205 McMURDO: I don't think this is a section where we want to involve any other state agency. The difference between using the board and the department is simply whether or not you consider this to be policy. I think this is just a finding of fact and the Superintendent of Public Instruction can make that finding.

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 17, 1991- Page 10

CHAIR GOLD: Is it the word "determine" that is bothersome?

SEN. PHILLIPS: How would the Department determine if funds were available? McMURDO: I envisioned a waiver could be sought if a district did not have adequate funding. There is a possibility that all districts could have inadequate funding. OEA objected to the board making the funding determination.

SEN. PHILLIPS: My concern is when will the Legislature be forced to come up with more money and what kind of consultation or process will occur?

McMURDO: Another option is to designate an agency and I think it should be the department.

CHAIR GOLD: What about using the term evaluated rather than determined? Some people are bothered by "determined" because it gives the department a policy making role.

311 McNAMARA: We had not anticipated that individual districts would be seeking waivers on individual sections or elements of this bill. We anticipated the language in this section would be an aggregate decision and not an individual district decision.

338 TRESSIDER: It has always been our assumption this Act will be implemented statewide involving all school districts. We will either have funds available to implement this Act or we will not have funds available.

SEN. GOLD: There is the outside possibility that a school district may not be ready to do what the other districts are ready to do. Shouldn't that district have the opportunity to apply for some type of waiver?

McNAMARA: Typically, school districts have had the opportunity to seek waivers from rules that have been established but not waivers from the law.

McMURDO: I have no problem if it is the committee's desire to make this statewide. I read it as allowing more discretion.

382 SEN. PHILLIPS: If statewide is your goal, you could put "implemented statewide" on line 27, in section 37 on page 35. On line 30, in section 38, put "statewide" before the word implementation. > Change line 28 to read State Department of Education.

TAPE 125, SIDE A

032 MOTION: CHAIR GOLD moves to adopt section 38 with the understanding the term "statewide" will appear in relation to the word "implementation" on line 30.

SEN. GOLD: Reviews where the committee is at on the bill while other committee members arrive for a quorum. > There is no objection to adopting section 37 as amended.

These minutes contain materials which paraphrase and/or summarize rtaternonts made during this session. Only text enclosed in quotation marks report a speakertr exact words. For complete contents of the proceedinge, please refer to the tapes. Senate Committee on Education

CHAIR GOLD: Restates her earlier motion concerning section 38. > There is no objection to adopting section 38 as amended.

151 MOTION: CHAIR GOLD moves to adopt section 39.

CHAIR GOLD: Explains her concern with the word "oversee".

169 SEN. CLIFF TROW: What does it mean "as used in chapter "?

McMURDO: The blank is there because HB 3133, concerning the Workforce Counsel, does not have a chapter number assigned to it yet. > Explains how the language on lines 4-5 on page 36 was arrived at.

SEN. TROW: This language seems to be vague. It doesn't say enough to make sense.

McMURDO: The language was taken from an Oregon Supreme Court decision. The definition is not part of HB 3565 but of a companion bill, HB 3133.

SEN. TROW: What will they do in overseeing this?

McMURDO: HB 3133 tells what they can do. They cannot usurp the authority of the state board over education matters in this bill or any other bill.

214 CHAIR GOLD: During the Senate floor debate on HB 3133, I read the language from HB 356 5, section 1, that names the Department of Education as the coordinating agency, and asked if the language in HB 3133 would interfere with what we are doing in section 1. The answer was no it does not. There are no objections to adoption of section 39.

266 MOTION: CHAIR GOLD moves to adopt section 40. SEN. TROW: Why do we need an emergency clause? McMURDO: The emergency clause is to correspond with the beginning of the Department's budget. CHAIR GOLD: Would you say you need as much time as possible to plan? McMURDO: Yes, and we were able to get another year from the House. CHAIR GOLD: Parts of the bill that are not implemented until sometime in the future need as much planning time as possible. The emergency clause is not for purposes of enacted of any mandates. SEN. TROW: They can plan without an emergency clause.

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

CHAIR GOLD: How does the emergency clause align with the availability of money?

McMURDO: I don't think we have the authority to spend monies without the bill being enacted. It has been in the bill since it was drafted.

There are no objections to adopting section 40.

348 BARGEN: Reviews suggestions for section 12 which are listed in handout (see EXHIBIT B).

CHAIR GOLD: Talks about listing preferred projects in section 12 that may become mandates so schools could use them in pilot programs through the use of grants and aids. It would provide a backlog of programs to use in evaluating the mandates. I would like to see pilot programs in Oregon.

SEN. TROW: These are all things that districts may submit proposals to do.

441 REP. VERA KATZ: I have no problem with adding that list. Hopes the Department will let the schools know of it's desire to fund programs that would assist in implementing this Act. SEN. TROW: Will each school district have it's own model program that qualified for the CIM or CAM or will they all look alike?

TAPE 124, SIDE B

020 REP. KATZ: The Department may have already started the planning stages for what the curriculum would look like for the CIM. There may be a piece of that available for schools to begin working on prior to 1996. The premise of this bill is that the outcomes that are expected are going to be matched to world class curriculum outcomes.

SEN. PHILLIPS: The idea is that districts will apply for and perhaps get some money to develop or implement some model programs.

REP. KATZ: Uses a school in Washington county as an example.

There was further discussion concerning funding and implementation of pilot programs under the 2020 program.

086 Committee recesses at 11:17 a.m. and reconvenes at 3:27 p.m.

MOTION: CHAIR GOLD moves to include statement in section 12 dealing with additional model programs that could be used as potential proposals for 2020 grant money.

CHAIR GOLD: I don't want to spend much time debating these small issues this afternoon.

SEN. PHILLIPS: Opposes insertion of the proposed language.

CHAIR GOLD: I am satisfied with the language concerning innovative models in the AEngrossed version of HB 3565.

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 17, 1991- Page 13

MOTION WITHDRAWN: CHAIR GOLD removes her earlier motion.

139 BARGEN: Refers to the list of issues and talks about what the committee has already decided to include in the bill (see EXHIBIT B).

CHAIR GOLD: Reviews the committee's discussion on the other innovations suggested for Section 12 and the agreement not to include them in HB 3565.

BARGEN: Refers to issues on second page of handout. Does the committee think there should be a general statement of intent in the bill as suggested by Dave Conley of the U of O?

203 SEN. PHILLIPS: I think the concept is woven through the entire document. The proposed language is too flowery and not necessary.

210 SEN. RON GRENSKY: No.

BARGEN: Reviews issue #5 in the handout concerning ongoing policy analysis.

SEN. BROCKMAN: All these issues are already addressed in the bill.

CHAIR GOLD: Is the department interested in communicating with university folks that deal with policy analysis activities? Will it happen whether we write it into the bill or not?

REINKE: There already is dialogue going on. It will continue regardless of whether it is in here or not.

SEN. PHILLIPS: We have built a good record of why the education of educators is going to have to change.

CHAIR GOLD: Item #6 is another aspect related to higher education's involvement. If there is no objection, I suggest we do the same with this as we did with item #5.

SEN. PHILLIPS: A statement of implementation priorities as suggested may not be the best way to go.

CHAIR GOLD: It is something people can talk about and decide whether they want to do it.

295 BARGEN: Reviews item #7 that would limit state monies spent on non-instruction related expenses.

CHAIR GOLD: Is there anything on record from the department concerning administration costs?

SEN. PHILLIPS: This issue should be looked at in the Senate Revenue Committee.

CHAIR GOLD: There is merit to this but it is not truly in our domain.

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 17, 1991- Page 14

SEN. BROCKMAN: The language is appropriate and should be somewhere.

348 CHAIR GOLD: After the bill is sent out of the committee and on to the Ways and Means Committee, I will call this matter to their attention. To me it is not germane to write it into the bill. MOTION:

SEN. PHILLIPS moves that a letter accompany the bill to the Ways and Means Committee and the Revenue Committees. There are no objections.

388 BARGEN: Item #1 under Group 2 in the handout (see EXHIBIT B) is a

conflict in statutes that should be resolved. Legislative Counsel is drafting language to address the issue. CHAIR GOLD: Refers to Item #6 under Group 2 issues in the handout. > My understanding is that we put heterogeneous groupings into one portion of the bill and Legislative Counsel will make any technical changes. > Regarding item #7, we did succeed in including a reference to minorities in the bill. There is a question whether we have paralleled that in other appropriate sections of the bill. It is another technical matter for Legislative Counsel to work on. SEN. PHILLIPS: Our intent is not to set up numbers that will eventually work into a quota system. It is just to get a handle on what is happening with students.

TAPE 125, SIDE B

020 BARGEN: Explains how some of the issues and suggested language was arrived at.

CHAIR GOLD: We have gone through all the substance of the bill and taken amending or affirmative action on it.

035 SEN. PHILLIPS: There are two sections I am concerned with: section 31 - the extended school year; and section 37 - concerning finances. > Reviews the language in section 37 related to funding.

CHAIR GOLD: Talks about the discussion from the morning work session on the bill.

SEN. PHILLIPS: Some of the words in that section cause some concern whether the Department can make an implementation decision without legislative involvement. > Reviews his concerns.

CHAIR GOLD: If we deleted the words "as determined by the State Board of Education", what would that mean?

McMURDO: You could put a period after the word "available" if you choose. If you want someone other than a court of law to reach some determination whether this Act is to be implemented, then you need to choose an appropriate entity to make the determination and I feel it should be the Department.

These nunuter contain materials which paraphrase and/or surarnanze statemenb ~de during this sesYon Only text enclosed in quotation marks report a spea}ct'r exact words Par complete contenb of the proceeduus, please refer to the taper Senate Committee on Education June 17,1991-
Page 15

CHAIR GOLD: Silence would mean either the Legislature or a court of law.

119 JOHN DANIELSON, OEA: We advocate leaving the period. The way the amendment is now the responsibility for determining whether or not there is sufficient money to fund the elements of this program rests entirely with the Department of Education. > Explains how it parallels the language in the fair dismissal law. > The question is can the Department reallocate programs? > This area is important enough that there should be court recourse.

147 SEN. PHILLIPS: The first section names the Department as the coordinating agency for further implementation of this Act. Doesn't implementation tie it back to the Department.

McMURDO: What is absent is the word determined.

SEN. PHILLIPS: This language is clearly going to lead to legislative debate. There needs to be a triggering mechanism for spending the money. I don't like the way it is worded now, but I am not sure how to make it better.

DANIELSON: Gives example of where recourse would be appropriate. There can be a lot of problems associated with this. If it gets to be too difficult, we would be entitled to court recourse.

McMURDO: If you are uncomfortable with the language, I would rather put a period after the word "available." The present language does not leave anyone without redress to the courts.

216 MOTION: SEN. PHILLIPS moves to reconsider section 37. > There are no objections.

MOTION: SEN. PHILLIPS moves to put a period after "available" and delete the rest of the section line 28 in section 37.

CHAIR GOLD: Was there any discussion on this issue on the House side?

233 LEE PENNY, House Education Committee Administrator: There was brief discussion that there were a lot of vague words in that section that were open to varying interpretations. There would have to be some entity who would say that there were adequate funding. Since the state board will be the overseeing agency, it seems reasonable that the state board be the entity which decides now is the time to move forward. It would not preclude a school district from taking the state board into court. The House committee felt the state board should be the one that makes the determination.

CHAIR GOLD: Was the court alternative ever discussed in the House committee?

PENNY: No.

297 REP. KATZ: Someone needs to determine whether any of the provisions will or will not cost additional resources. During the budget process, the department will have to come to the Legislature for additional funding.. _,, 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 17, 1991- Page 16

There are no objections to the amendment for section 37.

343 SEN. PHILLIPS: In regards to section 31, there are concerns about the language in (2) because it appears the board shall lengthen the school year irrespective of evaluations and fiscal impact. Should the language be "shall" or "may"? CHAIR GOLD: I get nervous about section 31(2) from a former teacher's point of view. As we have worked on this bill, we made clear both on the record and when amending the bill, that by the time the things in this bill are mandated we will be confident in them. 442 SEN. BROCKMAN: I have had a problem with (2) for a long time. We are looking at an extra 35 days of school and in some rural areas that can be critical.

TAPE 126, SIDE A

024 REP. KATZ: The whole spirit of the bill is one for change. It has pieces in it that make a lot of people feel uneasy because there is a real question mark with regard to the unknown. We have built in steps for decision making that will have the Legislature and the education community involved. This would not be at the top of a priority list but at some point it may be a critical piece. This bill makes us begin to think about doing things differently. If you don't make people think about doing things differently, they aren't going to do it.

SEN. PHILLIPS: What evidence is there that by just extending the hours or number school days we can produce a better quality product?

REP. KATZ: Many of us felt if we were going to do the same thing, we were not going to do it for a long period of time. How you configure the school year is what we want people to start thinking about.

063 SEN. PHILLIPS: Do you have the legal authority to lengthen the school year now?

McMURDO: It is established now by administrative rule.

SEN. PHILLIPS: Rep. Katz, inspite of the fact that the department could do it now, you forced the debate and acknowledged that these would be arbitrary limits.

REP. KATZ: We narrowed the number of days and extended the period of time so the first initial increase is not that substantial. > Gives an example of a school district that wanted to extend the school year. > I have never denied if the school year is extended it is going to be dealt with in collective bargaining and it is going to cost money. > There was further discussion concerning effects of the extended school year.

106 CHAIR GOLD: I share all the concerns expressed, but I am willing to permit the effort and the development of research that will either prove or not prove this is something we should do.

SEN. BROCKMAN: Refers to the language in section 31 (1), and asks if there should be a "shall" until there is evidence that comes from the research. I don't think the language is

These minutes contain materials which paraphrase and/or summarize mtomente made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contorts of the procooding., please refer to the taper. Senate Committee on Education June 17,1991- Page 17

consistent. 163 The committee stands at ease until a quorum can be reached

168 MOTION: CHAIR GOLD moves adopt HB 3565-A27 work copy -3 amendment dated 6-15- 91 as amended. > There are no objections. Senators Brockman, Dukes, Phillips and Gold are present. CHAIR GOLD: Legislative Counsel will go through the bill and make the requested changes and we will distribute it to the committee members and take final action on the bill tomorrow.

HB 2573-WORK SESSION:

222 McMURDO: This bill is an attempt to clarify the statutes relating to county unit school districts. This was brought about by an election in the Klamath county unit. One of the state law requirements is that people running for a school board be a resident of the district for at least one year prior to the election. > Reviews the situation in the Klamath county unit where the court ruled that the state law on residency did apply to a county unit. > HB 2573 makes it clear that a county unit is a common school district for purposes of all definitions, that both the residency requirements and ineligibility of district employee applies to county units. > Section 3 is an attempt to not effect any litigation that is pending. The amendments in this bill to the statutes are simply a restatement of the law. 282 BARGEN: Explains the -A7 amendment requested by Gary Andeen (EXHIBIT D). > Refers to a letter from the Oregon Community College Association proposing amendment to the bill (EXHIBIT E) and a handengrossed version of the bill (EXHIBIT F').

McMURDO: I don't see a lot in common between the subject in the HB 2573-A7 amendments and the subject of the original bill. > HB 2573-A7 is a policy statement more like a resolution.

331 GARY ANDEEN, Oregon Independent College Association: Explains why Rep. Bruce Hugo felt the language in the amendments would be useful concerning the State Scholarship Commission. The language is meant to affirm what the SSC has been doing. It does not have any fiscal impact. CHAIR GOLD: HB 2573 was introduced at Rep. Hugo's request on behalf of the House Committee on Education. SEN. TROW: Did Rep. Hugo initiate this amendment or was it Mr. Andeen? ANDEEN: I initiated it and asked Rep. Hugo for a vehicle for the amendment. We did not think this would be controversial. 421 SEN. TROW: What the Scholarship Commission does is a concern to many people within education and they may not all agree with this statement. This should have been a bill that was

These minute. contain materiab which paraphrase and/or summerize 9ta ements made during tHB session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedinge, please refer to d-tepos. - Senate Committee on Education June 17,1991- Page 18

started at the beginning of the session so we could have input from many people and a compromise could have been reached.

TAPE 127, SIDE A

020 ANDEEN: I feel it is important we put something in statute to try and resolve some of the controversy that exists around the philosophy of the Commission. I would have preferred this to have been a separate piece of legislation. OCCA's objects to including choice in this amendment and there is a philosophical issue that needs to be clarified. > Explains the concept of choice should be included in the student aid preamble for three reasons: educational, fiscal and demographic.

065 SEN. DUKES: I agree with Sen. Trow. I don't mind a mission statement from the Scholarship Commission but it would be helpful if the Commission would present it. This is the wrong time to present this. It should be done at the beginning of the session.

SEN. PHILLIPS: I don't believe there are enough votes to amend this bill.

Testimony opposing the HB 2573-A7 amendment was received from the Oregon Student Lobby (EXHIBIT G).

105 MOTION: CHAIR GOLD moves HB 2573 to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Senators Grensky and McCoy excused. Carrier: Sen. Brockman

135 CHAIR GOLD: Adjourns the meeting at 5:00 p.m.

Transcribed by:
Jan Barga Assistant

Reviewed by: Carolyn Gillson
Administrator

EXHIBIT LOG: A -HB 3565-A27 amendment - committee staff - 36 pages B - Issue list - HB 3565 - committee staff - 5 pages C - Testimony concerning HB 3565 - Department of Education - ? pages D - HB 2573-A7 amendment - Oregon Independent College Assoc. - 2 pages E - Testimony on HB 2573 - Oregon Community College Assoc. - 1 page F - Handengrossed version of HB 2573-A7 - committee staff - 2 pages G - Testimony on HB 2573 - Oregon Student Lobby - 1 page

These minute. contain materials which paraphrase and/or summarize daterner" made during this session. Only text enclosed in quotation marks report a speaker'' exact words. For complete contents of the proceedings, please refer to the tapes.