

SENATE COMMITTEE ON EDUCATION

June 18, 1991 Hearing Room 343 4:30 p.m. Tapes 128 - 129 MEMBERS
PRESENT: Sen. Shirley Gold, Chair Sen. Bill McCoy, Vice-Chair Sen.
Joan Dukes Sen. Peter Brockman Sen. Ron Grensky Sen. Paul Phillips Sen.
Cliff Trow STAFF PRESENT: Jan Barga, Committee Administrator Angela
Muniz, Committee Assistant MEASURES HEARD: HB 3565- Oregon
Educational Act, WS HB 2967- Moves date of regular district election,
PH, WS

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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 128, SIDE A

005 SEN. SHIRLEY GOLD, CHAIR: Calls the hearing to order at 5:00 p.m.

HB 3565 - OREGON EDUCATIONAL ACT - WORK SESSION:

014 MOTION: Chair Gold moves to adopt the HB 3565-A30 amendments
(EXHIBIT A) with allowances for technical changes. CHAIR GOLD: The only
two pages not amended in the bill are 8 and 24. This bill has a
subsequent referral to the Ways and Means Committee. SEN. CLIFF TROW:
The bill has changed dramatically since it came from the House, and the
amendments probably make it a better bill. I still have some problems
with the bill. It is an extensive restructuring and reform of education.
If this bill leads to improvement, then it is very much needed. Since I
am not sure if this is the direction of that improvement, I may or may
not support the bill on the Senate floor. CHAIR GOLD: All along we have
tried to take down any suggested amendments and vote on them. I feel
good that the Senate President and everyone else has been tolerant of
the time this has taken. We all understand that if the bill passes there
will be more discussions and planning in the years to come in order for
it to succeed. 111 SEN. RON GRENSKY: This bill is far more important
than a lot of things that we do. My commendations are to the sponsor and
staff who have worked on the bill. I don't think the bill goes far
enough fast enough. We have had a problem for a long time and have
finally recognized it is not going to go away. The Chair and the
committee has done an outstanding job of taking a huge piece of
legislation and working with it in a short period of time. I hope we
don't just stop with this. Senate Committee on Education June 18, 1991-
Page 2

141 There are no objections to adopting the HB 3565-A30 amendment.

MOTION: Chair Gold moves to send HB 3565 as amended to the Senate floor
with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present
voting AYE. Excused: Sen. McCoy (see p. 5, Tape 28B at #122).

160 SEN. PAUL PHILLIPS: Suggests letters and attorney general opinions
accompany the bill through the Ways and Means process. It is interesting
that we are talking about innovative new ideas in the future and at the
same time we are unable to fund the good education programs that exist
today. There is a real contradiction of legislative intent, but it is a
step in the right direction. Money is going to be the motivating factor.

HB 2967 - Moves regular district election - PUBLIC HEARING: Witnesses: Vicki Ervin, Oregon Association of County Clerks Norma Paulus, Superintendent of Public Instruction Greg McMurdo, Department of Education John Marshall, Oregon School Boards Association (OSB A) Sen. Glenn Otto, Senate District 11 John Danielson, Oregon Education Association (OEA) Marvin Evans, Confederation of School Administrators (COSA)

195 VICKI ERVIN, director of elections, Multnomah County and second vice-president and chair of the legislative committee, Oregon Association of County Clerks: Reviews what the bill does and refers to written testimony and the attachments (EXHIBIT B).

SEN. GRENSKY: Some of the people who oppose this bill have indicated the savings is not nearly as substantial with a vote by mail. Is your \$600,000 savings based on a vote by mail estimate or not?

ERVIN: The \$600,000 was the real cost for the March, 1990 election. Most counties conducted their election by mail.

333 SEN. TROW: The bill would make the elections occur every odd numbered year so if it had been in effect 1990, there would have been savings. Would the elections in 1991 cost more if we had not had an election in 1990?

ERVIN: The only election we can speak to is the election of board members. If you move those elections from March to May, it is not going to effect the actual costs. It would combine two elections, and therefore, save money. The cost savings would be real.

SEN. TROW: The May elections in 1991 would not be the primary elections. It would be a separate election.

ERVIN: Yes, it would be a separate election. It would be the election most districts are currently using for their initial request for a tax levy. . These minutes contain materials which paraphrase and/or summarize SB temenb made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedingnya, please refer to tbo tapes. Senate Committee on Education June 18, 1991- Page 3

SEN. TROW: Why do you go from March to May in an odd numbered year?

ERVIN: Most districts don't have the information they need to ask for a levy election in March. Mandating the election in March for directors and having their levy election later means they have to have two elections. This bill would allow them to combine it into one election and save the costs of one whole election each year. Most voters are attuned to May and November election dates. 375 SEN. TROW: These same changes have been proposed other several years and have been rejected based on the needs of school districts. They have more flexibility under the existing system.

ERVIN: I am not sure they have more flexibility, but they have more control. School districts do not want to create an election whereby a majority of their members would be up for election at one time because they fear a take over of the board. I am in the business to conduct elections for the voters of Oregon, and I am not in the business to control the outcome of those elections.

417 NORMA PAULUS, Superintendent of Public Instruction: Testifies in support of the bill. It is not our business to set up a system where one group can control an election. I believe the major reason you should pass this bill now is the savings. I don't view \$600,000 as a drop in the bucket. The three largest districts in the state already do this.

TAPE 129, SIDE A

024 SEN. GRENSKY: How are those three districts doing this legally?

033 GREG McMURDO, Department of Education: The current law has exemptions for districts of 300,000 or more. SEN. GRENSKY: There could be an argument that it would be more difficult to take over a larger district even if there were fewer elections. PAULUS: If a group of people can sell their philosophy to the voters, they have a constitutional right to do that. We should not be trying to set up a system that favors one philosophical view. 051 JOHN MARSHALL, OSB A: Refers to the vote by mail issue raised earlier. The argument over the money issue detracts attention from the larger impact this bill would have on local school district governance. We are concerned about the massive turnover that could occur and the loss of valuable continuity on local school boards as a result of moving elections to every other year. > Reviews OSB A objections to HB 2967 that are outlined in his testimony (EXHIBIT C). > If there is not a levy election around for people to express their concerns about their school, what else is left? The annual dialogue that occurs will be extremely important. > Are uncontested races any cause to dump the idea of an election. > Recall elections occur more frequently for school board members than any other type of local government official. > This is a bad time for the kinds of changes HB 2967 poses. 141 SEN. JOAN DUKES: Why would a number of school board members resign if this bill became

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June 18, 1991 - Page 4

law?

MARSHALL: There will be a great deal of frustration on funding reductions, lack of local policy decision making, and loss of local control. Board members may decide the time and effort will not be worth it.

SEN. DUKES: This doesn't reduce anybody's funding. It doesn't change control. The control is still in the hands of the voters in terms of who gets elected.

MARSHALL: The point is that as those seats on local school boards become vacant, the remaining members are required to appoint members to serve out the unexpired term. Under this bill, the appointee would serve for two years until the next regular district election. Local citizens should have the opportunity to review that appointment sooner.

SEN. DUKES: Talks about school board elections in general.

207 SEN. GLENN OTTO: I think school board elections should be every year because antigovernment groups could gain control of a school board with elections every other year. People don't pay much attention to

school elections until something happens. > Sen. Bunn expressed the same concerns to me. > Suggests the committee table the bill.

SEN. GRENSKY: Superintendent Paulus testified earlier that if someone is duly elected who are we to say who is suppose to run the school board. What is your response to that?

SEN. OTTO: A school board election is a low profile election. People vote for a candidate without all the information there is about a candidate. Elections every year creates a safeguard. > Restates his concern of losing control over a school board.

SEN. GRENSKY: That could happen under the law now or if elections are held every year.

SEN. OTTO: If you elect school board members every year, the people have a chance to see what is happening in their school board. The newspapers usually report on school board candidates.

303 SEN. GRENSKY: It has been mentioned that school board members get recalled easier and faster than anybody else. What keeps that process from continuing if someone with unpopular views gets elected?

SEN. OTTO: Recall takes a toll upon the person being recalled and on society as the whole. We see many recalls that aren't justified. Members cannot be recalled until they serve at least six months in that position.

SEN. GRENSKY: Doesn't that address the concern about a group of people trying to take control of the board. People will use recall no matter how often elections are held.

SEN. OTTO: Recall is an option, but I personally do not favor it. Why not create a better system so you don't have to recall people. , These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Education June 18, 1991- Page 5

> Reviews his position on the bill for Sen. Trow.

384 SEN. TROW: How many people would have terms extended because of this bill?

MARSHALL: I don't have an exact number. Guess it would be from 40 to 50 percent of incumbent members.

SEN. TROW: What is the legality of extending terms?

MARSHALL: I cannot tell you whether there are legal implications or not.

SEN. TROW: If there is a resignation, do they usually elect someone immediately?

MARSHALL: The law currently states that an appointee serves until June 30 following the next regular district election. If the individual chose to run in the March election, then they would serve the unexpired portion of that term.

TAPE 128, SIDE B

008 JOHN DANIELSON, OEA: We are opposed to the bill. > Possibility of extremists or a special interest group taking over the board is very real. > Important to look at the possibility of resignations from boards over the next few years as measure 5 takes effect. > People really interested in establishing educational policy are going to be much less interested in working with local boards. > Important the local school committees established by school boards are continued. > Explains how the \$600,000 proposed savings is exaggerated and may represent a loss rather than a gain.

074 MARVIN EVANS, COSA: Our organization's biggest concern is the potential for rapid and inappropriate changes in the composition of the board. The majority of the board members will be up for election every two years. Most school board elections are low profile and make it easy for a single interest group to launch the kind of campaign that can quickly gain control of a board. > Solving the problem by recall is not a comfortable solution because it polarizes the community. > Major legislation this session will result in turmoil in the districts and we do not see a reason to justify the risk involved in the bill.

SEN. TROW: Are school districts compelled now to have elections in the even numbered year or can the boards on their own change them to odd numbered years?

EVANS: The statutes provide when board elections will be held.

Copies of editorials concerning HB 2967 were provided by Rep. Carolyn Oakley (EXHIBIT D). SEN. MCCOY arrives at 5:55 p.m. 1

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122 CHAIR GOLD: Is there any objection to Sen. McCoy voting on HB 3565? His vote is No. There is no objection.

Committee recesses at 6: 12 p.m. and reconvenes at 6: 19

HB 2967 - WORK SESSION:

124 MOTION: Sen. Phillips moves HB 2967 to the Senate floor with a do pass recommendation.

VOTE: In a roll call motion, the motion fails, with Senators Brockman, Grensky and Phillips voting AYE.

148 CHAIR GOLD: The meeting is adjourned at 6:30 p.m.

Transcribed by: Reviewed by: Carolyn Gillson Jan
Bergen Assistant Administrator EXHIBIT LOG: A -
HB 3565-A30 amendment - Committed staff - 37 pages B - Testimony on HB
2967 - Oregon Assoc. of County Clerks - 13 pages C - Testimony on HB
2967 - Oregon School Boards Assoc. - 1 page D - Testimony on HB 2967 -
Rep. Carolyn Oakley - 1 page

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