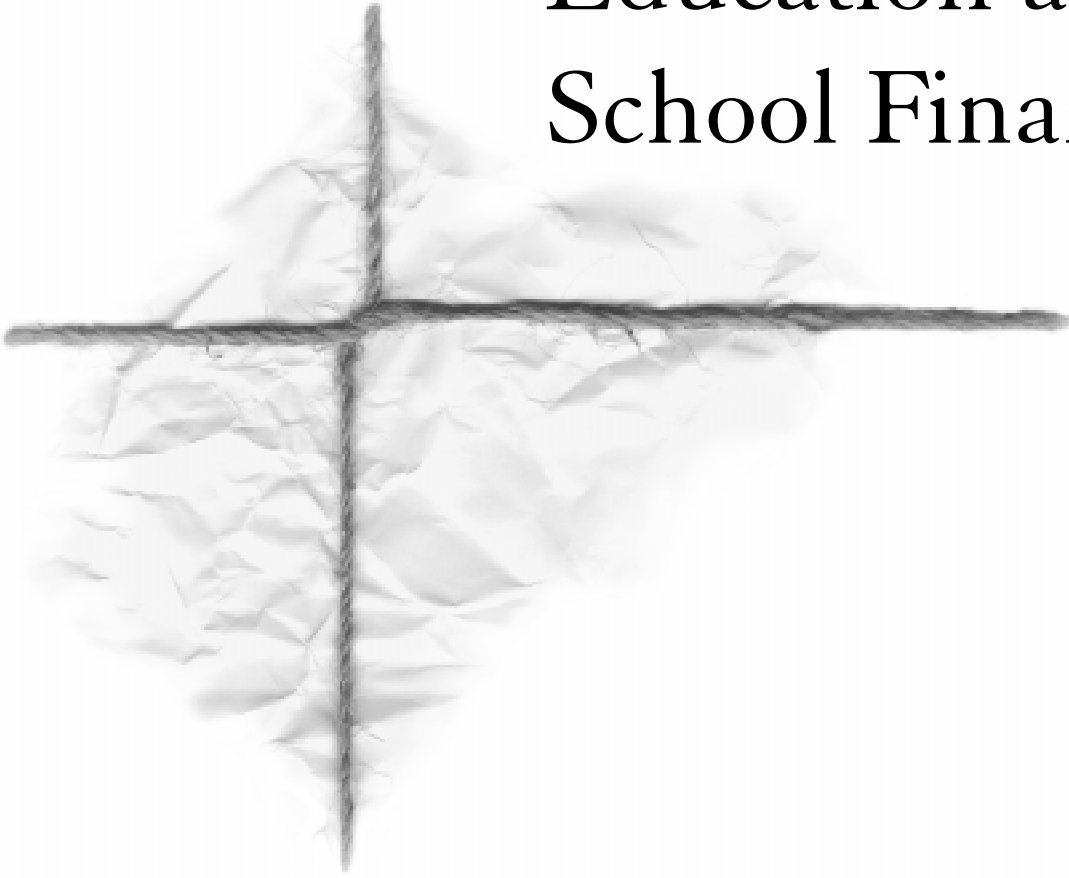


Education and School Finance



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Summary

of Major

Legislation

Senate Bill 3

Relating to education.

Senate Bill 3 directs the Department of Education to establish a three-year pilot program, beginning with the 1997-98 school year, using the Structure of Intellect as its model. The pilot programs shall be established in a variety of settings and cover the range of demographic and social profiles. The pilot programs shall examine the advantage of early intervention, remediation and intellectual development. Schools with pilot programs shall report to the department, including an evaluation of their program, the program's impact on special education, recommendations, costs, and other relevant information. The Department of Education is directed to evaluate the pilots and report its findings to the 71st Legislative Assembly. The measure appropriates \$1.5 million to the Emergency Board for the program.

Effective Date: August 4, 1997

Senate Bill 124

Relating to school personnel licenses.

SB 124 creates the following new Teacher Standards and Practices Commission (TSPC) license categories: initial teaching license; continuing teaching license; initial personnel service license; continuing personnel service license; initial administrative license; and continuing administrative license. The measure requires continuing professional development for those seeking basic or standard license renewal.

Initial licenses are valid for three years. Licensees seeking renewal must meet requirements established by the TSPC. A continuing license is issued to a person who has (1) completed an advanced professional education program approved by the commission; (2) been employed on an initial license for a period to be determined by TSPC rule; and (3) demonstrated minimum competencies, knowledge, and skills through an approved teacher education institution, school district, professional organization, or through professional assessment approved by the commission. Holders of a continuing license may renew the license for five years by verifying teaching experience and continuing professional development.

Before passage of this bill, the TSPC issued four types of licenses: the basic teaching license, the standard teaching license, the administrative license, and the restricted teaching license.

Effective Date: January 15, 1999

Senate Bill 183

Relating to criminal records checks of school district employees.

SB 183 subjects those classified school employees not already subject to criminal records checks to a background check and allows the district to charge those employees the cost of the records check. It also validates those criminal records checks performed on such individuals between September 9, 1995, and the effective date of the measure.

SB 1078 (1993 session, Oregon Laws, chapter 674) subjected school employees and those who provide care or treatment to children regulated by the Department of Human Resources or the Employment Department to fingerprinting and criminal records checks. Also subject to the law are individuals applying for a teaching license, school administrator license, or school personnel specialist license or license reinstatement. Also subject are those applying for an initial school nurse certificate; a school district contractor who has direct, unsupervised contact with students; and an individual newly hired by a school district who has direct, unsupervised contact with children. The 1993 legislation did not authorize records checks on classified employees who were working for the district at the time the law went into effect.

Effective Date: March 21, 1997

Senate Bill 184

Relating to alternative education.

SB 184 expands the eligibility for alternative education by eliminating the requirement that students first be expelled, be the subject of discipline, or have an erratic attendance record before they may be enrolled in a district alternative education program. Eligibility is expanded by allowing student's educational needs and interests to be a basis for enrollment. These new provisions apply to any alternative education program in which a student is enrolled on or after July 1, 1995.

Current student conduct and discipline statutes require that students who have been expelled for inappropriate behavior, whose attendance pattern is so erratic that the student is not benefiting from the school's educational program, or who have a second or subsequent occurrence of a severe disciplinary problem within any three-year period, be offered alternative education programs.

Alternative schools have been serving students other

than those specified by statute through administrative rule, based on the Oregon 21st Century Schools Program (ORS 329.555), and a statute that directs schools to offer additional services or alternative educational or public school options to students who have not met state standards measured in grades 3, 5, 8, and 10 (ORS 329.485(4)). Additionally, ORS 329.860 provides models of alternative learning options for youth currently not enrolled in school.

Effective Date: May 20, 1997

Senate Bill 504

Relating to engineering education.

SB 504 establishes the Oregon Engineering Education Investment Fund. It directs the Oregon State System of Higher Education (OSSHE) to establish an Engineering and Technology Industry Council, a majority of which shall be representatives of high-technology companies in Oregon. The measure directs the council to establish criteria for engineering investments from the fund. The council must submit a biennial performance review of all investments to the Chancellor and State Board of Higher Education.

Criteria the council shall use in allocating money include responding to urgent engineering educational needs at all levels of the Oregon high-technology industry, particularly in the Portland area, using both OSSHE and Oregon Graduate Institute facilities. The council is required to consider funding programs that produce the greatest number of engineers at the least cost to the public.

SB 504 appropriates \$5 million from the General Fund for the program, with a goal of \$100 million to be invested in engineering education prior to July 1, 2007.

The high-technology industry has become the largest manufacturing segment in Oregon, employing 54,000 workers at an average annual wage of \$43,700, 90 percent higher than the overall average wage in Oregon. According to testimony of high-tech executives, Oregon lags behind other high-tech centers, nationally, in producing new engineers and computer scientists, supplying only one of five needed engineers.

Effective Date: July 25, 1997

Senate Bill 880

Relating to successful schools.

SB 880 creates a "successful schools" program and

makes revisions to teacher and administrator employment provisions. SB 880 declares it the policy of the State of Oregon to reward schools that meet educational improvement goals. The measure directs the State Board of Education to establish a system of identifying successful schools and dispensing appropriate rewards. Schools must apply to the department for consideration of a reward. Factors to be considered in determining a successful school include statewide assessment results and achievement of school improvement plans. The measure sets criteria for distribution and use of rewards. SB 880 also directs the department to report to an interim legislative committee on education regarding the implementation of the program, and to make recommendations on the source and amount of funding needed in 1999-01.

Under the measure, school districts are directed to employ teachers on renewable two-year contracts. A district may extend a contract for another two-year term, providing written notice to the teacher no later than March 15 of the first year of the contract. In cases of non-renewal, the measure requires the district to place the teacher on a program of assistance for improvement. If the district decides not to extend the teacher contract for another two-year term, written notice must be given to the teacher no later than March 15 of the second year of the contract. Non-extension may be appealed to the Fair Dismissal Appeals Board, but no grievances may be filed while the contract teacher is on a program of assistance. The program of assistance is required to address inefficiency, neglect of duty, inadequate performance, and failure to comply with reasonable requirements. The measure also specifies that voluntary peer assistance for teachers should be used whenever practicable.

SB 880 specifies that no teacher may be dismissed, laid off, or non-extended based on salary, and requires all disciplinary actions to be permanently placed in the teacher's personnel file. The measure allows school districts to be reimbursed by the Superintendent of Public Instruction for all or part of the costs reasonably related to dismissal of a contract teacher or the non-extension of a teacher contract, providing the district prevails. The measure modifies the procedures and timelines of the Fair Dismissal Board proceedings. School districts are no longer required to evaluate contract teachers biennially.

SB 880 directs school districts to employ administrators on renewable three-year contracts. By March 15 of the second year of the contract, the district must pro-

vide notice to the administrator regarding the renewal status of their contract. If an administrator is dismissed, the administrator may appeal to the Fair Dismissal Appeals Board. An administrator may not appeal the non-extension of a contract. If an administrator's contract is not renewed, the administrator may fill any vacant teaching position in the district for which the administrator is licensed and competent.

The measure prohibits a district from waiving competence considerations when making decisions about the order of reduction in staff or recall of staff. The name of the Fair Dismissal Law is changed to the Accountability for Schools for the 21st Century Law.

Although there is no statute that grants tenure to a teacher, it can be a long and expensive process for a school board to dismiss a permanent teacher under state law. SB 880 changes the dismissal criteria by adding a violation of school district rules as grounds for dismissal. The measure also puts teachers and administrators on contracts that have expiration dates. SB 880 allows a school board to let a contract expire, and the decision to not extend the contract may be appealed to the Fair Dismissal Appeals Board.

Effective Date: August 15, 1997

Senate Bill 917

Relating to policies for the development of an Oregon workforce.

SB 917 abolishes the Oregon Office of Educational Policy and Planning (OEPP) and divides its responsibilities between the Oregon State Scholarship Commission and the newly created Education and Workforce Policy Advisor, who serves at the pleasure of the Governor. The measure also dissolves the Oregon Educational Advisory Council and transfers its duties to the State Scholarship Commission. Regional workforce quality committees are abolished and their duties, functions, and powers are transferred to regional workforce committees.

Responsibilities of the Education and Workforce Policy Advisor include providing general direction and serving as a liaison between state and local efforts in education, training, and workforce development. The advisor will also oversee a standardized, statewide information system for the development of statistical and demographic data to facilitate workforce training and education strategies. Under SB 917, the Education and Workforce Policy Advisor assumes the duties of the

Council for Professional Technical Education, which is eliminated

The measure creates the Office of Degree Authorization within the State Scholarship Commission to authorize schools to offer academic degree programs, validate claims of degree possession, terminate substandard or fraudulent degree activities, review proposed new publicly-funded post-secondary programs or locations, and recommend resolutions in the event of unnecessary duplications or inconsistencies with post-secondary education programs.

Effective Date: July 25, 1997

House Bill 2364

Relating to state institutions of higher education.

HB 2364 renames Western Oregon State College, Southern Oregon State College, and Eastern Oregon State College to Western Oregon University, Southern Oregon University, and Eastern Oregon University, respectively. The measure recognizes that the schools are comprehensive universities offering a full range of baccalaureate and graduate programs.

The Oregon State System of Higher Education (OSSHE), in conjunction with Western Oregon State College, Southern Oregon State College, and Eastern Oregon State College, studied the possibility of a name change. OSSHE determined three primary reasons for the proposed change. First, approximately eighty percent of higher education public institutions of comparable size and mission carry the university designation. Second, the change will help differentiate between the state's universities and community colleges. Finally, the name change will help OSSHE's out-of-country marketing, as "university" is most commonly used in foreign countries to describe a school that offers a four-year degree. The proposal was unanimously approved by the State Board of Higher Education.

Effective Date: April 1, 1997

House Bill 2403

Relating to post-secondary education.

HB 2403 establishes the Post-secondary Education Expense Program and the Post-secondary Education Expense Program Trust Fund. The measure creates the Post-secondary Education Expense Program Board to administer both the program and the fund. As directed by HB 2403, the board will contract with purchasers

for advance payment of tuition at community colleges and state institutions of higher education. The measure allows a contract's beneficiary to apply contract amounts toward costs at independent, not-for-profit institutions of higher education.

Several states have recently established and operated successful pre-paid tuition programs. This measure is intended to provide wide and affordable access to higher education, as well as protection against the rising cost of tuition.

This measure takes effect only if the constitutional amendment proposed by House Joint Resolution 72 is approved by voters at the November 1998 general election.

Operative Date: Upon approval of HJR 72

House Bill 3031

Relating to Certificate of Advanced Mastery.

HB 3031 delays the implementation timeline for the Certificate of Advanced Mastery (CAM) program. CAMs are part of the Oregon Education Act for the 21st Century and are awarded to high school students who participate in work-related learning experiences and meet certain academic standards. The Oregon Department of Education is required to submit CAM standards and rules to legislative interim education committees or the Legislative Assembly for input and direction before March 1, 1999. Discussions with the Department of Education revealed that the original implementation date of March 1, 1997, was in need of adjustment. Under HB 3031, school districts are required to institute CAM programs by September 1, 2004. The State Board of Education must establish incentives for schools to implement the program and school districts have to demonstrate continued progress toward program development.

Effective Date: October 4, 1997

House Bill 3544

Relating to education.

HB 3544 requires the Department of Education to begin a two-year pilot program by which school districts may adopt a program to address problems with disruptive students in schools. The measure limits the pilot program to five school districts and modifies the procedure for placing a student in an alternative education program, requiring the approval of the resident district. The measure requires the State Board of Education to

report to the 70th Legislative Assembly on the pilot program.

Effective Date: July 25, 1997

House Bill 3636

Relating to school district budgets.

HB 3636 requires the State Board of Education to adopt, by rule, a budget accounting system for school districts and education service districts (ESDs). The budget accounting system will include uniform definitions for a chart of accounts. This chart of accounts will allow for valid comparisons of expenditures within and among districts. The Department of Education is required to develop the budget accounting system in consultation with the Department of Administrative Services, the Legislative Revenue Officer, the Legislative Fiscal Officer, and appropriate organizations that represent K-12 educational interests. The measure establishes minimum requirements for the budget and accounting data. In addition, it requires that the Department of Education place the information gathered from the uniform budget and accounting system in a database that is accessible by the public. The measure outlines several reporting requirements for the Department of Education.

Differences in accounting methods have complicated budget comparisons for school districts and educational service districts. This measure requires the Department of Education to revisit statewide accounting definitions, procedures, and enforcement in an effort to bring uniformity to school districts' budget accounting systems.

Effective Date: July 25, 1997

House Joint Resolution 72

Relating to prepaid tuition plans.

HJR 72 amends the Oregon Constitution, upon voter approval, to allow the Legislative Assembly to lend credit of the state for a higher education pre-paid tuition plan. The resolution creates a new Article containing full-faith-and-credit provisions for the pre-paid tuition plan and sets limits on loans and indebtedness incurred by the plan. Included in the resolution are provisions for satisfying the state's guaranty obligations pursuant to the new Article.

The full-faith-and-credit backing of the state reduces the risk to investors by guaranteeing the financial support of the State of Oregon. This support is currently

applied to the state's general obligation bonds and requires an amendment to the Constitution to extend it to a pre-paid tuition plan.

Adopted: June 19, 1997

Measures Vetoed by the Governor Senate Bill 494

Relating to children.

SB 494 modifies the schedule of required testing for children being schooled at home. Rather than yearly testing, as is required now, testing would occur at grades 3, 5, 8, and 10. The examiner may have been a licensed teacher or a private or parochial school teacher chosen by the parent, rather than an approved examiner chosen from a list developed by the Department of Education. The measure defines satisfactory educational progress as a score at or above the 15th percentile on the composite score of the test or, if the student scores below the 15th percentile, a score equal to or greater than the student's prior score. The measure provides for alternative forms of testing for children with disabilities and requires home school students to transfer to home schooling before the end of the student's junior year of high school to be eligible for participation in interscholastic activities.

SB 494 also establishes training and certification requirements for certain child care facilities before issuance or renewal of certificate of registration without inspection. It prohibits the employment of child care providers, even on a probationary basis, without prior completion of a criminal background check. In addition, SB 494 requires health care facilities offering maternity services to provide a brochure about infant hearing loss to all parents of infants born at the facility and requires the Health Division to establish an advisory committee on infant hearing loss.

Governor's Veto Message (August 8, 1997):

I am returning herewith Senate Bill 494, unsigned and disapproved.

SB 494 contains child care and health care provisions which I strongly support. However, the addition to this bill of several sections relating to home schooling means that I cannot endorse it.

Specifically, I object to the following provisions: The bill expands the number of students who would be exempt from compulsory school attendance, and whose parents would therefore not be subject to reporting their child's educational progress.

The bill replaces the current annual examination of home schooled students with testing at grades 3, 5, 8, and 10. While the statewide assessment of public students takes place during those grade periods, local public schools are annually, if not monthly, testing students to assess their performance and progress.

The bill allows parents of students with disabilities to choose any person who has taught two years in any school during the past ten years to evaluate the child, instead of the current process of using exams from an approved list which are administered by a qualified neutral person. Maintaining the current practice better assures a quality and neutral assessment of the student.

The bill puts into statute a satisfactory progress standard of an examination score at or above the 15th percentile. This takes away the ability of the State Board of Education to address any concerns about such a low standard. The bill would allow, by law, even a student who scores below the 15th percentile to continue home schooling as long as the student scores at an equal or higher level in the next examination.

Vetoing SB 494 does not change nor further regulate current home schooling practices. I have a high regard for parents who are able to make such a personal commitment to their children's education. I have also been impressed by the testimony that most home schoolers achieve at a higher than average level. However, changes to home schooling laws cannot jeopardize the state's role in ensuring that children under its responsibility receive a quality education.

I regret having to forego the valuable child care and health care provisions in the bill. Yet, taken together, these changes to the home schooling laws do not serve a child's educational best interests, therefore, I am vetoing SB 494.

Senate Bill 680

Relating to access by military recruitment personnel.

SB 680 prohibits school district boards, the State Board of Higher Education, the Oregon Health Sciences University Board of Directors, and any board of education of a community college district from prohibiting ac-

cess to schools by military recruitment personnel. It allows the boards to adopt policies or rules that restrict access to appropriate times and places.

SB 680 was introduced in response to the Portland School Board's ban on military recruiters (including military academies) from all Portland public schools. It was because of the military's "don't ask, don't tell" policy on homosexuals, which was seen as discriminatory against homosexuals, that the Portland School Board voted in August 1995 to ban recruiters.

Governor's Veto Message (June 25, 1997):

I am returning herewith Senate Bill 680, unsigned and disapproved.

The bill prohibits public school boards, community college boards, OHSU, and state post-secondary institutions from denying access by military recruitment personnel to their campuses.

I share the proponent's desire to support the military. The Oregon National Guard in particular makes enormous contributions to the state both in times of crisis and through community projects. I believe that the National Guard provides great opportunities to minorities as they are coming out of high school, and I would urge local officials to consider a partial repeal of the ban as it applies to the Oregon National Guard.

Despite my personal feelings, however, I believe questions of access to local schools and community colleges should be decided in the community by locally elected school boards and within the Oregon State System of Higher Education by the State Board of Higher Education.

We must respect the authority of locally elected officials to decide these matters.

Senate Bill 1198

Relating to Oregon Media Literacy Project

SB 1198 directs the Department of Education to implement subject to available funding, the Oregon Media Literacy Project. The measure proposed to establish a steering committee to create 60 media literacy curriculum modules for K-12 instruction, university teacher training, school district in-service training, education of parents and caregivers of preschool and school-age children, and sustained community-wide literacy education. The project would include school districts, par-

ents, medical and child development experts and public officials to collaborate with the department in writing and implementing the media literacy curriculum for grades K-12.

The measure directs the department to apply for federal grants and to seek sources of funding.

Governor's Veto Message (August 8, 1997):

I am returning herewith Senate Bill 1198, unsigned and disapproved.

SB 1198 directs the Department of Education to implement the Oregon Media Literacy project.

However, the project is largely symbolic. The legislature provided no funding to pay for the program.

The Department of Education would have to staff a steering committee and administer the program development and implementation out of its already limited budget. In addition to the concern about the cost to the Department of Education, federal funding is not allocated for the program nor is future funding certain.

I understand the concern about excessive television viewing, especially by our young people. However, this project is a sound-bite solution to a larger, more complex problem.

I cannot support legislation which is more symbolic than substantive.

House Bill 2340

Relating to merger of component school districts.

HB 2340 provides an exemption of certain component school districts from the mandatory district merger requirement. The measure allows merger exemptions for component school districts containing an elementary school that is located more than 30 miles from the nearest union high school. School districts qualifying under this exemption become elementary school districts.

Enacted in 1991, SB 917 provided for the unification of all union high school districts with their component elementary districts. The measure also required the merger of all districts not offering high school education with districts offering K-12 educational programs by September 1, 1996. Any districts that were not unified or merged by that date would be ordered to do so by the district boundary board by March 1, 1997. SB 467 (1995) removed the unification requirement for el-

elementary districts if the district is more than 15 miles from the nearest high school located in a unified school district. The 1995 legislation also provided an exemption for boarding schools.

Governor's Veto Message (May 8, 1997):

After the 1991 legislation requiring unification of Oregon school districts, and during the 1995 session, as well as in this legislative session, I have sought ways to consider the merits of the individual proposals for exemptions while maintaining our course toward implementing the now nearly completed process of statewide district unification.

Throughout these discussions, I have stated my commitment to the goal of statewide district unification and that any proposal for exemption must not only state the cause for exception, but must also carefully address the array of exemption issues. HB 2340 does not meet this criteria due to the following concerns.

It has been stated that the Agness School District faces closure without this bill. Given the funding advantages generated by the small school correction factor, testimony was provided that the Agness School is not due to close.

Such a legislatively mandated boundary change for the Agness School District would cause legal complications for the other districts also involved in this merger. This boundary alteration would require the local education service district to begin the merger proceedings anew. Such proceedings could not be effective until 1998. The existing merger law requires the Superintendent of Public Instruction to declare school districts nonstandard if they do not offer a K-12 education by July 1, 1997. Thus, the other districts in this merger would be non-standard, and may be ineligible to receive state funds. This argument is supported by an opinion letter submitted to the Department of Education from their Assistant Attorney General (a copy of that opinion is attached). HB 2340 does not address these issues.

The interest of maintaining the Agness School appears to be addressed through continued small school correction funding and not by diluting the work done to date through the merger process.

House Bill 2352

Relating to school district mergers.

HB 2352 repeals a portion of ORS chapter 393, Oregon Laws 1991, the mandatory school district merger law. Elementary school districts and component school districts that have completed the mandatory merger by the effective date of this measure are exempt and are therefore unaffected. School districts that have not yet merged are not required to do so.

Enacted in 1991, SB 917 provided for the unification of all union high school districts with their component elementary districts. The measure also required the merger of all districts not offering high school education with districts offering K-12 educational programs by September 1, 1996. Any districts that were not unified or merged by that date would be ordered to do so by the district boundary board by March 1, 1997. SB 467 (1995) removed the unification requirement for elementary districts if the district is more than 15 miles from the nearest high school located in a unified school district. The 1995 legislation also provided an exemption for boarding schools.

Governor's Veto Message (May 28, 1997):

The conditions that lead to my veto of this bill are similar to those included in my veto message on HB 2340.

I remain committed to the process of statewide school unification mandated by the 1991 Legislative Assembly. I have expressed my willingness to consider exemptions from that legislation only if they are consistent with the timely completion of the unification process.

HB 2352 represents a last minute rollback on the commendable progress made in nearly completing the unification process.

A reversal of course at this late date denies Oregon citizens the benefits of unification intended by the 1991 legislation, including:

Better coordination of the curricula between elementary schools and their high schools in achieving the high academic standards contained in the Oregon Educational Act for the 21st Century.

Equity of funding among schools served by the same high school system.

Pursuit of administrative and educational program fis-

cal efficiencies that have already been implemented by nearly all of the school districts that are subject to consolidation.

The last minute exemptions proposed by HB 2352 also create a number of significant logistical and legal problems, especially for newly formed school districts. Finally, and separate from the merits of unification itself, the overwhelming majority of affected school districts have made this legislation work. We should not act now to exempt a few from the admittedly difficult work involved in implementing Oregon's school district unification law.

House Bill 2569

Relating to school district policies.

HB 2569 requires employees of a school district to guard the privacy of students and support parental involvement in the education of their children through compliance with the privacy protections provided under the federal Family Educational Rights and Privacy Act and related provisions under 20 U.S.C. 1232g and 1232h in administration and operation of all public school programs, regardless of the source of funding. HB 2569 requires each public school district to adopt policies governing the protection of family and student privacy as required by the above section. The measure allows school employees to fulfill their responsibilities under the child abuse reporting requirements of ORS 419b.010.

This measure requires school districts to provide adequate notice of surveys or tests given to their children that reveal political and religious affiliations or beliefs, sexual behavior, self-incriminating behavior, and any other information deemed to be personal and private to that family. HB 2569 also requires school districts to develop policies for obtaining consent from parents before any of the above testing takes place.

Governor's Veto Message

(June 30, 1997):

I am returning herewith HB 2569, unsigned and disapproved.

The bill language indicates it seeks to guard the privacy of students, their parents and their families.

The proponents seek the protection of the provisions found in the Family Education Rights and Privacy Act (FERPA) under 20 U.S.C. 1232g and 1232h. However, 20 U.S.C. 1232g is already incorporated in state law,

and 20 U.S.C. 1232h applies because our school districts receive federal funds. Therefore, these protections already exist and the bill unnecessary.

In complying with state laws and federal provisions, Oregon school districts remain committed to protecting student privacy and parental rights.

House Bill 2701

Relating to phonics.

HB 2701 requires school districts to include the use of explicit systematic phonics instruction with decodable text as a part of the districts' reading program in kindergarten through grade two.

Proponents of the measure are concerned that current methods of reading instruction have failed. This measure would include the use of phonics as a basis for reading instruction.

Governor's Veto Message

(June 30, 1997):

I am returning herewith HB 2701, unsigned and disapproved.

House Bill 2701 represents a state mandate to local schools to utilize a specific reading instructional technique. This is an inappropriate legislative imposition upon schools that subsumes the role of professional educators in deciding what classroom methodology is best for their students.

This bill entails curriculum, textbook, and instructional decisions, and imposes them on schools and teachers to use in the classroom. I cannot support legislation that substitutes itself for the process we have in place to work on and decide the details of classroom methodologies. It should be noted that there are no restrictions on districts from utilizing phonics as they deem necessary in providing an effective education program for their students.

My veto is not premised upon the merits of phonics, my opposition is in regards to a legislative process that mandates to educational professionals what classroom techniques they must utilize.

House Bill 3083

Relating to school district program for disruptive students.

HB 3083 would allow school district boards to adopt a program that addresses the problems of disruptive stu-

dents in schools. The measure recommends minimum program requirements and includes provisions for a counseling and parent education class. HB 3083 also provides for an exemption for special education students and recommends the creation of a two-year pilot program.

This measure is in response to the high costs of providing alternative educational programs to students that are expelled or suspended more than once during a school year. HB 3083 would require expelled students and their parents or guardians to attend some type of appropriate counseling as a precondition to the student's return to school.

Although HB 3083 was vetoed, the Governor's concerns were addressed in HB 3544 signed, by the Governor on July 25, 1997.

Governor's Veto Message (June 20, 1997):

I am returning herewith HB 3083, unsigned and disapproved.

The proponents seek a tool to help address the problem of students who exhibit quite disruptive behavior. References have been made to examples such as assaultive conduct, arson, and other very serious misconduct. I applaud the intent of the bill. However, the bill's language covers a much broader range of behavior and raises a number of concerns.

While I am vetoing the bill, I will work with the proponents in seeking another vehicle this session to help address the problem of disruptive students. My intent would be to seek language that maintains the proponents' intent while addressing the concerns listed below:

The bill refers to students who are "in alternative education programs due to expulsion or suspension." Expulsion and suspension covers too wide a range of behavior — there can be over 55,000 suspensions and 1,200 expulsions per year. Suspension can occur for behavior such as erratic attendance (repeated tardiness or absence). Instead of focusing on the intended most serious disruptive students, the bill's broad language could have many unintended implications for a large number of students and families.

By law, districts are required to provide alternative education programs for these students. The bill is vague as to the consequences of a parent's failure to pay the

charges. If the district excludes or otherwise takes action against the student because of the parents' failure to comply, equal educational opportunities and civil rights legal issues could be involved.

Two groups affected by this legislation would be low income and minority students. This population is least able to pay additional charges for their children's education. While meaning to help address a problem, the bill could exacerbate the problem of increasing drop-outs and issues of juvenile delinquency.

We must all work to address the problems of disruptive students. However, because of the concerns listed above, House Bill 3083 is not the appropriate solution. I will work with the proponents to achieve the appropriate legislative response.

Major Legislation Not Enacted Senate Bill 2

Relating to Superintendent of Public Instruction.

SB 2 would have designated the Governor as the Superintendent of Public Instruction and allowed the Governor to appoint, subject to Senate confirmation and in consultation with the State Board of Education, a deputy Superintendent of Public Instruction. The bill would have become effective upon expiration of the current superintendent's term, or upon that office becoming vacant.

Senate Bill 181

Relating to Teacher Standards and Practices Commission.

SB 181 would have decreased the Teacher Standards and Practices Commission (TSPC) membership from seventeen to fifteen members and changed the name of the commission to the Educator Standards and Practices Commission.

Senate Bill 540

Relating to public school program contributions.

SB 540 would have created a corporate and personal income tax credit for contributions to support public elementary, secondary, and post-secondary education.

Senate Bill 628

Relating to charter schools.

SB 628 would have established criteria for the creation of charter schools, allowing a charter school to be established as a new school or to convert from an existing public school or portion of a public school.

Senate Bill 650

Relating to public employees. [declaring an emergency]

SB 650 would have directed school districts to employ teachers and administrators on three-year contracts and modified collective bargaining statutes. SB 880 which passed both chambers and was signed by the Governor, contains many of the same provisions.

House Bill 2637

Relating to taxation.

HB 2637 would have permitted an individual to establish an Education Savings Account with an authorized beneficiary. Interest earnings of an Education Savings Account would be exempt from state income tax. The individual beneficiary is permitted tax-free withdrawal to pay tuition and course expenses at institutes of higher education.

