

Governor sides with board

By Mike Sims
Of the Emerald

Gov. Vic Atiyeh has come out in favor of letting higher-education officials decide when to disclose the state's costs of defending a sex-discrimination lawsuit.

In a letter released Monday, Atiyeh told Chancellor Bud Davis that he had no objection to the board's revealing the costs of hiring a Philadelphia law firm to aid the state's defense in Penk vs. State Board of Higher Education.

The class-action lawsuit is in its fourth month of trial in U.S. District Court in Portland. The lawsuit claims that female teachers have been the victims of discrimination in pay and promotions and seeks \$33 million in back pay for the 2,200 women faculty members at Oregon's colleges and universities since 1979.

Davis said last week that he thinks the costs should be divulged before the case is settled, because the expenditures need to be included in the 1985-87 higher-education budget. That budget is currently being drafted by higher-education staff.

Bill Lemman, vice chancellor for administration, says that the question is not "if" the State Board of Higher Education will release those figures, but "when." Lemman also contends that those costs are exempt from the Oregon Public Meetings Law, because they fall under the category of material relating to litigation.

State Sen. L.B. Day of Salem and Rep. Grat-tan Kerans of Eugene disagree. The two legislators have filed a lawsuit against the state in Marion County Circuit Court. Through the lawsuit, Day and Kerans seek to force Attorney General Dave Frohnmayer to reveal state costs in defending the discrimination lawsuit.

Kerans contended earlier that since the state's contract with Morgan, Lewis & Bockius won't be entered into evidence at the Penk sex-discrimination trial, invoking the Oregon Public

Meetings Law cuts no ice in this case.

And Day said Tuesday, "Those costs represent public expenditures, public funds. Neither the governor, nor the attorney general, nor the board have the right to suppress those figures."

"There's no way for the public to know if the state is doing something illegal when they (state agencies) suppress information on expenditures, then come out after it's all said and done and say, 'Here you are,'" Day said.

Day and Kerans had also cited a personal-services-contract law that requires state agencies to be held accountable for public service contracts similar to the one made with the Philadelphia law firm. The law was designed by Day during the 1981 legislative session.

Lemman contended that releasing the state's defense costs could give the plaintiffs an unfair advantage in contesting the lawsuit. He explains that since the plaintiffs are private individuals participating in a class action lawsuit, the defendants are under no obligation to divulge their expenditures or other information about their role in the lawsuit.

According to Lemman, the state has been engaging in negotiations with the plaintiffs in the Penk trial, attempting to formulate an out-of-court settlement. He said that these negotiations would be hampered by early public disclosure of attorney's fees and other costs of prosecuting or defending the case.

Lemman also said that when Day and Kerans filed the lawsuit against the Department of Justice, Atiyeh wrote Frohnmayer a letter urging him to vigorously defend it. He said Atiyeh pointed out that many public agencies (municipalities, counties, school and utility districts, etc.) often become involved in lawsuits. Lemman said Atiyeh felt they should be able to defend those lawsuits on the same level as private parties who are not obligated to divulge such information.

Survey reveals public support for elements of education plan

By Mike Sims
Of the Emerald

The Oregon Action Plan for Excellence, adopted by the State Board of Education Thursday, contains four major elements that have strong support throughout the state, according to results of a recent survey.

A telephone survey of 600 participants, composed of registered voters and persons who intend to register, showed overwhelming support for a statewide curriculum, an achievement test for eighth-graders, increased high-school-graduation requirements and school profiles.

The survey was conducted before the board approved the proposed educational reforms.

One element of the plan calls for state and local officials to join in formulating a statewide curriculum for elementary and secondary students. Fifty-two percent of the persons polled favored this measure, with 38

percent saying that the responsibility for determining curricula should fall to local school boards. Six percent felt that the federal government should perform the task.

Sixty-four percent liked the idea of the state board determining high-school-graduation requirements. The board has already increased the amount of math and science required to graduate, from one year to two years of each.

The board would also like to add an extra year of required English courses, as well as required electives in the arts, vocational education or a foreign language.

A uniform statewide achievement test was favored by 86 percent of those polled. The board wants such a test administered to Oregon school children in grades 3, 6, 8 and 11, to make sure that students are progressing at appropriate rates.

Eighty-eight percent felt that it was important for patrons to

know how their schools and school districts stacked up statistically with other schools across the state. The board decided that the State Department of Education would prepare yearly statistical profiles for every school in the state.

Margaret Nichols, interim superintendent of Eugene schools, saw the results of the survey as an indicator of positive public attitudes toward education.

"I think most people believe there definitely are things we can do, and are doing, to improve public education in Oregon and throughout the entire country," Nichols said.

Dewey Newman of Opinion Research Northwest, which conducted the survey, said that the results indicated "a high level of confidence in the educational leadership" of the board, Department of Education staff and state school Superintendent Verne Duncan.

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