



*February 15, 2013*

## Bills give Fair Dismissal Appeals Board more resources

**House Bill 2096** and **House Bill 2322** had their first public hearings February 13 in the House Education Committee. HB 2096 would increase the number of members on the Fair Dismissal Appeals Board (FDAB) from 20 to 24 members. Its companion bill, HB 2322, provides for a general fund appropriation to reimburse school districts for expenses incurred while a teacher is out of the classroom attending to hearings related to his or her FDAB duties.

FDAB was created to hear appeals of teacher and administrator dismissal, and to provide a uniform statewide system of pre- and post-determination due process for teachers and administrators. It also provides for uniform standards for dismissals.

FDAB currently is a 20-member board representing school boards, teachers, administrators and the public. When an employee believes he/she has been dismissed improperly by his employing school district, he/she can appeal that dismissal decision to FDAB. Once the appeal is filed, statute dictates the process and timelines for the appeal to be heard and a decision rendered by FDAB. Under the law, a panel of four is created from the full FDAB, generally consisting of one school board member, one administrative member, one teacher member and one non-school-district-affiliated member. Delays in hearings due to panel members' unavailability have caused timeline problems. The primary issue is the inability to appoint a teacher panel member due to conflicts with teachers' classroom duties and schedules.

HB 2096 would: 1) increase the FDAB to 24; and 2) allow teacher and administrator members of FDAB to be retired. FDAB would then be able to choose members from a broader pool across the state which could mitigate the issues surrounding the ability of panel members to sit and hear the dismissal appeals.

Since most of these hearings are held in Salem and can last several days, FDAB covers travel and lodging expenses for panel members during hearings. However, expenses incurred by school districts for hiring a substitute for the teacher panel member are not covered by FDAB and cannot create issues for the availability of panel members.

Both measures are aimed at creating greater efficiencies within the FDAB process.

HB 2096 -

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=hb%202096&c=50&key=HB%2020960&ptadd=:%20HB%202096%20Details>

HB 2322 -

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=hb%202322&c=50&key=HB%2023220&ptadd=:%20HB%202322%20Details>

## OSBA invited to share perspective on graduation rates

On February 11, the House Education Committee held a public hearing on high school graduation rates and invited staff from the Department of Education to share the latest data about Oregon's students. In Oregon, the Class of 2012 had a 68.4 percent graduation rate, while the Class of 2011 had a five-year graduation rate of 72.4 percent.

OSBA was one of several organizations invited to share their perspectives on improving student achievement, increasing graduation rates and closing the achievement gap for students.

OSBA Legislative Specialist Morgan Allen testified on behalf of OSBA and told the committee that our membership has made increasing student achievement a top priority of the association. He shared that school board members are concerned about the large numbers of students who do not graduate from high school, particularly poor students, students of color, English-language learners and students with disabilities.

Allen offered a list of initiatives in which OSBA members believe the state should invest to help increase graduation rates. These proven education tools include:

- Funding for full-day kindergarten and Head Start to promote early literacy.
- Extended school years, extended school days and credit recovery programs for students who are not on track to graduate.
- A longer, full school year. Without adequate and stable funding, Oregon has one of the shortest school years in the nation, which has led to cut days and drastically reduced learning time.
- Investments in capital infrastructure and technology, particularly for schools with outdated science labs, computer labs and antiquated or unsafe facilities.

Allen also noted that despite all of the lost school days, all the lost education programs and the layoffs of thousands of teachers, administrators and classified staff over the past several years, graduation rates have actually increased modestly for three consecutive years. And, this happened at a time when it is also more difficult to graduate in Oregon based on new diploma requirements passed by the State Board of Education in 2007.

In summary, Allen told the committee that OSBA members believe there are no shortcuts or silver bullets that will magically increase Oregon's graduation rates overnight. It will take communities and parents working together with education leaders to push for improvement, increased state investments in public education and relief from mandates and unnecessary paperwork to increase Oregon's graduation rate.

### March 2013 Revenue Forecast released: steady economic growth in Oregon

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The March 2013 state economic and revenue forecast was released February 15 and state revenues available for the 2013-15 biennium increased by \$87.1 million. This uptick in monies available was due to a larger than expected ending fund balance from the 2011-13 biennium that will be carried over and spent in 2013-15. Total state revenues projected to be available during the upcoming budget cycle are approximately \$16.6 billion.

A deeper look at the forecast also provided a first projection of the reserve funds that will be available to the Legislature during the 2013-15 biennium. Based on the March 2013 forecast, Oregon's Education Stability Fund is projected to have an ending fund balance of \$185.8 million while Oregon's Rainy Day Fund is projected to have an ending fund balance of \$246.4 million.

State economist Mark McMullen noted that the state is experiencing slow and steady economic growth. More encouraging, Oregon has regained about 40 percent of the jobs that were lost during Oregon's recession. One area of concern is the continued inability of Congress and the President to reach a final resolution to the ongoing debate about the debt ceiling and so-called "fiscal cliff." In sum, Oregon's economic experts are projecting slow, steady growth and point out that Oregon's economy is on fundamentally solid ground.

Oregon Senate President Peter Courtney (D-Salem/Gervais/Woodburn) noted in a statement that "This forecast is a net gain and every penny certainly helps...the sun is shining in Oregon. There are still some clouds, but our economy is growing. I think we will see that in our next forecast in May."

While the financial news is encouraging, it is clear that public education supporters will still need to lobby and advocate for an increased state investment in public education. Even with the improved economic outlook, the

Legislature and Governor do not have enough monies available to meet the budget needs and requests for education, health care and public safety. It will be up to board members and other school advocates to make a strong case for a renewed investment in our public schools.

State economists presented the forecast to a joint meeting of the House Revenue Committee and Senate Finance and Revenue Committee at the State Capitol. For more detailed information, click on the following links:

March 2013 Economic and Revenue Forecast - <https://olis.leg.state.or.us/liz/2013R1/Downloads/CommitteeMeetingDocument/2170>

Revenue Forecast presentation to House and Senate Committees - <https://olis.leg.state.or.us/liz/2013R1/Downloads/CommitteeMeetingDocument/2171>

For additional information, contact OSBA Legislative Specialist Morgan Allen at [mallen@osba.org](mailto:mallen@osba.org).

### OSBA Bill Spotlight: Senate Bill 273 provides capital matching funds

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At the direction of OSBA's Legislative Policy Committee, the legislative team has drafted several bills that will bear the tagline "at the request of the Oregon School Boards Association." Bills to address the Public Employees Retirement System (PERS) crisis, provide additional mandate relief and add a school board member to the Oregon Education Investment Board will be part of OSBA's legislative advocacy package in 2013.

The first OSBA "branded" bill to get a public hearing this session is **Senate Bill 273**, which would represent an initial state investment of up to \$200 million in school building and renovation projects. On February 12, the Senate Education and General Government Committee heard testimony from an OSBA-organized panel that included Carol Samuels, a Vice-President at Seattle-Northwest Securities; Bruce Lathers, Manager of Construction Services for the Salem-Keizer School District; and OSBA Legislative Specialist Morgan Allen.

The panel reminded the committee that when almost 66 percent of Oregonians approved Measure 68 in May 2010, they made two important changes to our state constitution. The first change broadened the uses for school district capital bonds to allow districts to not only build new schools, but to also furnish, equip and maintain those schools with their bond funds. The second change gave the state the same bonding authority to raise matching funds for capital construction in K-12 districts that it has for community colleges and the Oregon University System.

The funds raised by SB 273 will help create incentives for local districts to pass bonds for their schools and will especially help communities that may have a low tax base make major investments in their school buildings.

Samuels gave several examples of school districts that were able to finally pass a local bond measure when a similar federal matching fund program was available in recent years.

Lathers stressed the role played by school facilities in educators' efforts to improve student achievement and described the urgent maintenance and capital needs in districts across Oregon that have been exacerbated by the budget cuts of recent years. He told the committee that districts urgently need to replace outdated science labs and update technology infrastructure; remove health hazards like mold, lead, and asbestos; upgrade for seismic and tsunami hazards; and replace outdated and outmoded buildings.

As drafted, SB 273 prioritizes funding for five different areas facilities experts tell OSBA are of the greatest need or anticipated need to help districts prepare for new state educational mandates:

1. Building or retrofitting instructional space for full-day kindergarten.
2. Building or retrofitting space available for physical education.
3. Tsunami and earthquake upgrades and retrofits.
4. Health and safety projects to address health hazards like mold and asbestos, to which students across Oregon are exposed to every day.
5. Facilities projects designed to improve student achievement.

Allen told the committee that passage of the bill means local school districts will be able to use the state matching bonds to motivate their communities to make a major investment in their schools while maintaining local control and lowering local taxpayer costs for the project. He noted that increased capital investments also provide new construction jobs and other employment opportunities in communities across Oregon that are still struggling with the aftermath of the latest recession. Modern, well-maintained public school buildings and facilities may make the difference to a company looking to locate or expand their operations in Oregon.

The panel closed by reminding the committee that Oregon's students deserve to go to school in healthy environments, which include safe, modern buildings in good working condition and free from preventable health hazards.

As the next step in the legislative process, committee members have asked OSBA to help organize a work group to refine details of how the funds may be spent by districts before taking further action. For more information on the bill, contact Morgan Allen, OSBA legislative specialist, at [mallen@osba.org](mailto:mallen@osba.org).

Senate Bill 273 -

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=sb%200273&c=50&key=SB%2002730&ptadd=:%20SB%200273%20Details>

## Social media issues for employees bill heard this week

The Senate General Government, Consumer and Small Business Protection Committee heard testimony this week on **Senate Bill 344**, which would make it an unlawful employment practice against employers for compelling a prospective or active employee to provide access to the employee's personal social media accounts.

With the explosion of social media usage by the public on such sites as Facebook and Twitter, there is concern about the content individuals may post on their personal pages regarding work place situations. SB 344 is based on information from around the country where employers are demanding access to employees' social media accounts. The proposed bill is intended to prevent such activity by employers in Oregon, and to preserve privacy for prospective and active employees.

One of the main sponsors of the bill, Sen. Ginny Burdick (D-Portland), told the committee, "I find this situation deeply concerning. If an individual chooses to keep his personal social media page private, I find it is not an acceptable job interviewing tool."

Technology industry representatives brought forward some suggestions they said would strengthen the bill. One suggested amendment would allow an employer the ability to request an employee disclose his user and password information if the employee's electronic device is supplied or paid for by the employer. This suggestion would help balance the employer's duties to all employees should the employer need to initiate an investigation to enforce work rules.

No further action is scheduled on the bill. However, the committee promised to bring it back in the future and to work with proponents to achieve a balance that includes employee protection and employers' need to comply with Oregon employment laws.

SB 344 -

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=sb%200344&c=50&key=SB%2003440&ptadd=:%20SB%200344%20Details>

**DATE CHANGED**

**YOUR VOICE HEARD SALEM**

**OSBA/COSA Legislative Day**

**April 19, 2013**

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