



February 22, 2013

Collective bargaining process bill heard in House Business and Labor Committee

House Bill 2448 had its first hearing in the House Business and Labor Committee this week. The committee is chaired by Rep. Margaret Doherty (D-Tigard), who is the sole sponsor of this bill.

This bill as written would change ORS 243.698. The bill would reduce the required period of expedited bargaining from 90 days to 60 days and add a binding arbitration clause. Specifically, if the parties fail to reach an agreement through bargaining or mediation, upon expiration of the 60-day period:

- (a) The matter shall be submitted to the Employment Relations Board for binding arbitration as provided by ORS 243.742 and 243.746; and
- (b) The employees in the bargaining unit subject to the binding arbitration may not strike.

For school districts, expedited bargaining is a tool that is not used often, since most employment relations issues are contained in a collective bargaining agreement. In order for a district to go through this process, it must first notify the union in writing of any anticipated changes that create a duty to bargain. Within 14 calendar days after the notification, if a demand to bargain is not filed, then the school district may implement the proposed changes without further obligations to bargain. If the union responds indicating it wishes to negotiate, the parties then enter into negotiations, with the district able to implement changes at the end of 90 days. Currently in statute, there is a mechanism for both parties to agree to mediation, but there is no requirement to participate in binding arbitration.

Lisa Freiley, OSBA Director of Legal, Labor & PACE Services, testified in opposition to HB 2448. "For a school district, this bill is a solution in search of a problem. While schools use the expedited bargaining process sparingly, it is a necessary tool. While most collective bargaining agreements are pretty comprehensive, there are occasional issues not covered by the collective bargaining agreement which can be resolved through the expedited bargaining process," Freiley said.

OSBA has requested an amendment that would exempt school districts from any changes to the current expedited process. However, the amendment was not completed for the committee to review at the hearing.

Childhood health advocates hope to change rules for vaccine opt-out

February 19 was the deadline for parents to provide up-to-date childhood vaccination records to schools, Head Start providers and pre-schools. Any child whose records are not complete can be prevented from attending school or child care until updated immunization records are submitted.

State law also states that parents can claim a medical or religious exemption from providing vaccinations for their children. A group of child health advocates would like to change how parents opt out of Oregon's immunization requirements. **Senate Bill 132** as currently drafted would eliminate the blanket exemption for religious reasons. It would be replaced with a requirement that any parent wishing to decline vaccinations for his/her child must sign a form stating that he does not wish to vaccinate his child. The form must also contain either:

- A signature from a "practitioner of the healing arts" that acknowledges the parent/guardian has been told the risks and benefits of immunization; or
- A "certificate that verifies the parent's completion of a vaccine educational module" which would be internet-based and approved by the Oregon Health Authority.

Data collected by the Oregon Health Authority shows that Oregon has the highest rate of kindergartners (5% statewide) not receiving vaccinations. Dr. Jay Rosenblum, a Portland-area pediatrician, told the committee that "the exemption rate for children entering kindergarten has more than doubled in the last decade."

Several medical professionals attended the hearing and shared stories about treating children suffering from diseases which could have been prevented if they had been vaccinated. Oregon Health Sciences University Pediatric Infectious Disease specialist Judith Guzman-Cottrill told the committee about a young patient diagnosed with measles who exposed two additional children to the disease. The mother was given inaccurate information that vaccines may be linked to diabetes and chose not to vaccinate her children against measles.

Several amendments have been proposed to the bill; expect further hearings and deliberations as the legislative session progresses. Contact Morgan Allen at mallen@osba.org if you have questions.

For additional information:

- Oregon's requirements for childhood vaccinations, <http://public.health.oregon.gov/preventionwellness/vaccinesimmunization/gettingimmunized/pages/school.aspx>
- Oregon's immunization rates by county, <https://public.health.oregon.gov/preventionwellness/vaccinesimmunization/pages/research.aspx>

OSBA's Leadership Oregon Class spends time at the Legislature

The 2013 OSBA Leadership Oregon Class spent time this week focusing on advocacy and hearing from a variety of individuals and groups at the Capitol.

The class first heard from Rep. Sherrie Sprenger (R-Lebanon), a former member of the Lebanon Community Schools Board and a graduate of the 2005 Leadership Oregon program. Rep. Sprenger told the group she truly valued the program as a school board member and as a legislator. She spoke about some of the major educational issues she sees facing the 2013 legislature, primarily funding and reforms to the Public Employees Retirement System to help reduce costs. Rep. Sprenger encouraged them as school board members to stay involved in the legislative process and to reach out to their legislators to impact the decisions reached during the session.

Rep. Sara Gelser (D-Corvallis), chair of the House Education Committee and a former member of the Corvallis School Board, then shared with the group that it is critical for them to remain active in the legislative process and keep in contact with their legislators about how issues discussed at the legislature affect local decisions and student achievement. She related that her school board experience has been tremendously helpful to her as the chair of the Education Committee regarding the myriad of issues the committee tackles during a session.

The class also heard from several statewide policy makers from the Oregon Education Investment Board (OEIB), the Department of Education and the governor's office. Whitney Grubbs from OEIB told the group of the work the OEIB has undertaken since its creation a little over a year ago, and about its work on the achievement compacts. Cindy Hunt and Jan McComb from the Oregon Department of Education presented to the class on developments at the department and how the department interacts with the legislature on pending legislation. Ben Cannon, the governor's education policy advisor, spoke about the governor's initiatives for the 2013 session and the proposed budget for the State School Fund for the 2013-15 biennium.

Finally, the group heard from a panel of advocates on the importance of staying attentive to the actions of the legislature, how to influence the process and what the education lobby sees as the big issues, beyond funding, for the 2013 session. The panel also discussed how the

education community works together on issues in the legislature. Members of the panel included:

- Chuck Bennett, Confederation of Oregon School Administrators
- David Williams, Portland Public Schools
- Otto Schell, PTA-Oregon
- Laurie Wimmer, Oregon Education Association

Senate education committee holds hearing on proposed education tax credits

On February 21, the Senate Education and Workforce Development committee heard a pair of proposals that would create tax credits for education expenses, including tuition at private or religious elementary and secondary schools, or for contributions to a qualified scholarship-granting organization.

Senate Bill 500 and **Senate Joint Resolution 23**, proposed by Senator Betsy Close (R-Albany), would allow Oregon taxpayers to claim up to a \$1,000 per child tax credit against their Oregon income tax liability if the taxpayer is the parent. SJR 23 would amend Oregon's constitution to allow tax credits to be made available to private or religious education entities; SB 500 places the tax credit policy into statute.

Proponents of the bill argued that they do not oppose the public school system, but instead believe the tax credit gives families more educational choices and flexibility, particularly to families that may not be able to afford private school tuition. They also pointed out that thirteen other states have some type of tax credit or voucher program in place for families who send their children to private or religious schools. The committee received supportive testimony from the Cascade Policy Institute and Americans for Prosperity.

OSBA's 2013 Legislative Policies and Priorities state that "OSBA opposes any mechanism that diverts public funds, including tax credits and vouchers, to private or religious schools or erodes financial support of the public school system." School board members across Oregon have strongly communicated their opposition to proposals like SB 500 and SJR 23. OSBA's legislative team will continue to reinforce this message with Oregon's legislators and policymakers and register our members' opposition to this type of tax credit or other voucher proposals.

At this time, the bills do not have the support of the majority of committee members and are not expected to come to a vote this session. Contact Morgan Allen at mallen@osba.org if you have questions.

Senate Bill 500:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=sb%20500&c=50&key=SB%2005000&ptadd=:%20SB%20500%20Details>

Senate Joint Resolution 23:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=sjr0023&c=50&key=SJR00230&ptadd=:%20SJR0023%20Details>

Senate Ed Committee hears ESD bills

On February 19, the Senate Education and Workforce Development Committee heard a series of four bills related to education service districts (ESDs):

- **SB 227** – creates a task force to study and prepare a report concerning ESDs;
- **SB 262** – updates the statutes to reflect the current mergers of certain ESDs;
- **SB 263** – directs the Oregon Education Investment Board to submit a report for the development of a coordinated system of regional education that provides for efficient and effective support to school districts; and
- **SB 529** – allows school districts from all ESDs to withdraw from their local ESD.

Instead of holding separate hearings on each bill, the committee opened a public hearing on all the bills related to ESDs.

The committee first heard from Deputy Superintendent of Public Instruction Rob Saxton about the work done this past year on reorganizing and restructuring ESDs in Oregon. He referred to the report presented to him and Chief Education Officer Dr. Rudy Crew by the Oregon Association of Education Service Districts (OAESD) on their plan for regional service providers in the future. Saxton also spoke about the creation of a group of six superintendents, three from school districts and three from ESDs, charged with following up on the previous OAESD report. “We need a different dynamic related to ESDs in Oregon,” Saxton told the committee. “We need a system that creates improved services and a competitive atmosphere that ensures students are delivered the best services for the least cost.”

Some members of the committee expressed concern that reform to ESDs is more urgent than another ESD study. Sen. Jeff Kruse (R-Roseburg) stated, “I think we have studied ESDs to death in this state. I know of at least four or five studies that have been done over the years. We have had numerous maps outlining various boundaries, too. It may be time to act now.”

OAESD Executive Director Jim Mabbott testified about the various proposals put forward over the past year. “We know it’s time for ESDs to change their role in the education system,” he said. He encouraged the committee to order a reorganization report and require a restructuring plan be prepared by the fall of 2013 for implementation by the 2014 legislative session. “If you have the right people in the room then we can design, develop and implement a grand design for ESDs and

regional service providers in Oregon that will lead to better service and higher academic achievement for students,” Mabbott added.

Mabbott explained to the committee that the High Desert, Willamette and Northwest Regional ESDs have been operating as “pilot ESDs” under an alternative governance model created by past legislation. As a result, they have not held the traditional election of board members as have the other ESDs in the state. With the expiration of this governance model this year, these three ESDs would be required to hold elections within the next several months at a cost of over \$150,000. Individuals running for these ESD boards would have to submit their candidate information to the county clerk by March 1. “Clearly we do not have enough time to implement this governance change for these three ESDs,” Mabbott stated.

He offered an amendment to SB 529 that would allow the “pilot” governance model to continue and not expire. The committee unanimously approved the amendment to the bill.

In addition to the amendment related to the “pilot” governance model, SB 529 also allows school districts to leave, or opt out, of their ESD. Districts opting out would directly receive 90 percent of the money that flows to the ESD on behalf of the school district. In 2011, the legislature approved SB 250 which allowed school districts in the Willamette, Multnomah and Northwest Regional ESDs, and certain school districts in Baker County, to opt out and take their 90 percent share of the funding with them. SB 529 would allow this to occur statewide.

SB 250 was opposed by OAESD during the 2011 session, but Mabbott told the committee that OAESD is in full support of statewide opt-out this time. “We are at a different time than we were several years ago. We know consortiums and collaboratives are much more effective when you’re working together with those who want to be there,” Mabbott testified. “All 16 OAESD superintendents voted in favor of statewide opt-out for school districts.”

Under the amended bill, any school district in Oregon could opt out of their ESD as long as two-thirds of the school board voted to approve the opt-out. The district would send a written notice of their intent to withdraw to the ESD by November 1 of the year prior to the year in which they intend to withdraw. A school district would then issue a written notice of withdrawal to the ESD no later than March 1st of the year in which the school district plans to withdraw. Within 60 days of receiving the written notice of withdrawal, the ESD would issue the order allowing the school district to withdraw.

The committee unanimously approved SB 529 as amended and moved it to the full Senate for its consideration. The committee did not take action on any bills related to ESDs; the committee Chair, Sen. Mark Hass (D-Washington County), indicated the bills would remain in the committee as place holders for the 2013 session.