



May 10, 2013

Senate considers updates to student discipline statutes

On May 9, the Senate Education and Workforce Development Committee held a public hearing on **House Bill 2192**. The bill as originally proposed by the juvenile rights organization Youth, Rights and Justice made significant changes to statutes related to suspension and expulsion of students.

The current version of the bill is a consensus product of a legislative workgroup that included the original proponents and education organizations, such as OSBA, the Confederation of School Administrators (COSA) and the Oregon Education Association (OEA); the bill previously passed the House in April on a 60-0 vote.

The A-Engrossed version of the bill makes several key changes to Oregon's student discipline statutes, including:

- Elimination of state statutory language mandating expulsion (zero tolerance) for weapons (non-firearms) infractions. This change will give school districts and administrators more discretion and latitude to discipline students when they bring small pocket knives or toys to school, for example. The bill does not change the federal law that requires mandatory expulsion for violating the Gun Free Schools Act.
- Student expulsions are limited to conduct that poses a threat to the health or safety of students or staff, when required by law, or when previous discipline efforts or interventions have been unsuccessful. School districts still retain the authority to discipline or suspend students at their discretion. None of the timelines (10 days for suspension or one year for expulsion) are changed.
- The bill clarifies that school discipline policies must be implemented without bias against students from protected classes. District discipline policies also must set clear expectations for behavior, use research-based interventions (such as Response to Intervention or Positive Behavior Supports) when practicable, and take into account the age and discipline history of the student when considering discipline for misconduct or misbehavior.

Proponents of these changes have presented compelling data and research showing that punitive, zero

tolerance discipline policies often exacerbate behavior issues for many students. Students who are suspended or expelled are also at much greater risk of dropping out of school.

OSBA testified in support of the amended bill and views it as an appropriate way to modernize Oregon's discipline statutes while maintaining local control, improving school and staff discretion when disciplining students and ensuring the health and safety of all students.

The committee is expected to pass the bill to the full Senate in the next week. Contact Morgan Allen at mallen@osba.org if you have additional questions.

View House Bill 2192:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=hb 2192&c=50&key=HB 21920&ptadd=: HB 2192 Details>

Teacher Standards and Practices Commission budget moves to full Ways and Means Committee

The Ways and Means Subcommittee on Education voted this week to approve **House Bill 5046**, the Teacher Standards and Practices Commission's (TSPC) \$4.9 million biennial budget.

The agency is feeling the effects of teacher layoffs, as reflected in the reduced fee revenue it generated over the past biennium. As a result, TSPC has made budget reductions during the biennium, including staff layoffs, leaving vacant positions open, and using ending fund balances to adjust the budget for the remainder of the 11-13 biennium.

The subcommittee, co-chaired by Sen. Rod Monroe (D-Portland) and Rep. Betty Komp (D-Woodburn), expressed concerns about the agency's budget reduction challenges and discussed a fee increase to offset the reduction in revenue. Co-chair Monroe noted, "This is a train wreck coming at you."

HB 5046 contains two budget notes. A budget note does not carry the force of law, but is intended to give legislative direction to the agency. The agency is then asked to report back on resultant outcomes.

The bill's first budget note directs the TSPC to look at fee-related revenue trends for the first three months of the 2013-15 biennium and identify any necessary changes related to the loss of revenue.

The second budget note directs the Department of Administrative Services to assist TSPC in exploring alternatives for replacing the existing information system, and requires a report back to the interim Joint Committee on Ways and Means during the 2014 Legislative Session.

This budget also contains a line item called “PERS Adjustments,” reflecting enacted Senate Bill 822 changes to Public Employee Retirement System (PERS) taxation policy and other PERS adjustments that resulted in TSPC savings (reduced expenditures) of \$66,411.

HB 5046 now moves to the full Ways and Means Committee for a vote before proceeding for final votes in the House and Senate.

Contact Lori Sattenspiel at lsattenspiel@osba.org for more information.

View HB 5046:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=5046&c=50&key=HB50460&ptadd=: HB 5046 Details>

Bereavement bill heard in Senate committee

A bill that protects employee leave for bereavement was heard this week in the Senate Business and Transportation Committee. Rep. Alissa Keny-Guyer (D-Portland) led off testimony on **House Bill 2950** with comments related to the loss of a loved one and the impact the grief process has on the family member, followed by Rep. Shemia Fagan (D-Clackamas) and Rep. Bill Kenemer (R-Oregon City). The legislators talked about how their personal losses impacted them, adding that this law would allow individuals the time necessary to deal with a significant loss.

HB 2950 carves two weeks out of the eligible 12 weeks of Oregon Family Leave (OFLA) that would be designated to deal with the death of a family member. This designated leave could be unpaid, but it is intended to provide employment protections to the employee as he/she deals with his/her loss. The specified two weeks does not add additional time to the existing 12 weeks leave under OFLA; it simply designates two weeks of the 12-week period for an eligible employee to use in dealing with various associated issues (e.g., to coordinate, attend or grieve the loss) when a family member is deceased.

Current law allows for a loved one to care for a sick family member, but the employment protections cease when that loved one passes. Proponents of the bill indicate that HB 2950 would fill that void in the law.

Employers spoke about the regulatory burdens caused by OFLA and its federal counterpart, the Family and Medical Leave Act (FMLA); both are very problematic to implement, they said. Oregon has one of the broadest definitions of family, meaning employees can access leave for many reasons. Compliance issues for employers for various provisions of the leave law continue to be complex and challenging.

The House approved the measure (40-18) back in April. The Senate committee took no further action on HB 2950, but it is anticipated to receive additional future consideration.

Contact Lori Sattenspiel at lsattenspiel@osba.org for more information.

View HB 2950:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=13&t=&r=&q=2950&c=50&key=HB29500&ptadd=: HB 2950 Details>

Legislative Highlights to be published on “as needed” basis

With the Legislature beginning to work toward session completion, OSBA’s *Legislative Highlights* will now be published on an “as-needed,” periodic basis. Many committees will complete their work over the next couple of weeks. OSBA’s Legislative Services Team will keep you informed of any major developments in the education funding and policy arena.

As always, you may contact any member of the legislative team with any questions or concerns:

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Please note that OSBA will publish a *Legislative Highlights* next week focusing on the May Revenue Forecast.



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