

OSBA Legislative Highlights



the Promise
OF OREGON

March 6, 2015

Ways and Means Subcommittee to hold public hearings on the State School Fund Bill

The Education Subcommittee of the Joint Committee on Ways and Means will hold two days of public testimony on the State School Fund next week. The hearings will be held on Tuesday, March 10, and Wednesday, March 11, from 8:30-10:30 a.m. Please check the OSBA website on Monday for the location of these hearings.

It is anticipated many individuals may want to testify before the subcommittee. The co-chairs of the subcommittee, Sen. Rod Monroe (D-Portland) and Rep. Betty Komp (D-Woodburn), have indicated they may limit the time each individual is allowed to speak so the subcommittee may hear from as many individuals as possible.

If you plan to testify in Salem, please contact OSBA Deputy Executive Director Jim Green (jgreen@osba.org or 800-578-6722).



Sen. Arnie Roblan shows support for "The Promise of Oregon" at the OSBA/COSA Joint Legislative Day on Feb. 23.

OSBA Bill Spotlight: Capital matching funds bill moving forward

As mentioned in previous *Legislative Highlights*, the Legislative Services Team, at the direction of OSBA's Legislative Policy Committee, has prioritized passage of a bill to provide state matching dollars for capital

construction. We are pleased to report that this bill took an important step forward in the legislative process this week.

On March 3, the Senate Education Committee, on a 7-0 vote, sent [Senate Bill 447](#) to the Joint Committee on Ways and Means. If approved by the Legislature's budget writing committee, the bill would:

1. Authorize \$125 million in new XI-P state general obligation bonds for K-12 matching grants in 2015-17;
2. Establish and fund an Office of School Facilities in the Oregon Department of Education as a resource for local school districts;
3. Provide technical assistance and small grants to assess district needs, support long-term capital programs and inform statewide capital planning; and
4. Launch the Oregon School Facilities Database to start building a repository of data for local district and statewide capital planning information.

During the last legislative interim, the Task Force on School Capital Improvement Planning issued a report concluding that state matching dollars can provide a key incentive for local communities to make capital investments in their schools. OSBA President **Dave Krumbein** (Pendleton School District) served on the task force; SB 447 is a result of that task force work.

School board members interested in supporting this legislation are urged to let their legislators know why the bill is critical to school districts across Oregon.

Contact OSBA Legislative Specialist Morgan Allen (mallen@osba.org) for more information.

View SB 447:

http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=15&t=&r=&q=sb_0447&c=50&key=SB_04470&tadd=: SB 447 Details

Radon testing by schools bill heard in House Committee

A bill that would require all Oregon school districts to test their buildings for radon gas was heard late this week in the House Committee on Health Care. [House Bill 2931](#) is the first step in undertaking the complex task of testing for the presence of radon gas in all school buildings.

Radon is a radioactive gas that comes from the natural decay of uranium found in nearly all soils. It can

seep up into a building – like a home or school – through cracks in the building’s foundation. The gas is colorless, odorless and tasteless, so testing is the only way to detect radon’s presence.

In 2014, Senate Bill 1511 was introduced, which would have required school districts to test all school buildings’ frequently occupied rooms for the presence of radon gas, and mitigate if the level detected either met or exceeded Environmental Protection Agency levels. Frequently occupied rooms were defined as *everything but* closets and storage areas that come in contact with the ground on any one side. Mitigation of harmful radon gas ranges from adjusting the heating, ventilation and air-conditioning (HVAC) system to purchasing very complex “mitigation machines.”

OSBA in 2014 recommended that legislators submit the issues of testing and mitigation to a workgroup during the interim and return to the 2015 legislative session with solutions.

OSBA led the workgroup, a diverse group of stakeholders and legislators, through the intricate issues related to testing and mitigation, including associated costs the school districts could face. The group focused on the safety of students and staff who spend many hours in these buildings. OSBA Legislative Specialist Lori Sattenspiel, who facilitated the workgroup, said, “I appreciated working with Rep. Alissa Keny-Guyer (D-Portland) and Sen. Michael Dembrow (D-Portland) on this important safety issue. We created solutions that give districts time to plan and budget, while working to keep students and staff members safe in our schools.”

House Bill 2931 was created as a result of the workgroup’s efforts. The bill would address testing and mitigation concerns in stages. First, school districts will need to have a radon gas testing plan in place by 2016. The Oregon Health Authority (OHA) will make available a “model testing plan” for use if school districts don’t already have something in place. The bill would provide funds to OHA to cover the cost of the test kits and make them available for school district use. Under the bill, testing should be underway by 2021.

While the bill does not address all the issues discussed in the workgroup, the next phase of radon testing must address the concerns of the group, including: how small districts without sufficient personnel will implement testing, the best time of year to do testing, and how to address the false results of testing. While there are certified radon testers available to conduct the testing, the workgroup would like to make a professional development option available, allowing district personnel to attend and learn to conduct their own tests.

Contact Lori Sattenspiel (lsattenspiel@osba.org) for more information.

View HB 2931:

http://www.osba.org/Resources/Article/Legislative/BillTracing.aspx?s=15&t=&r=&q=hb_2931&c=50&key=HB29310&ptadd=: HB 2931 Details

Revenue Committee discusses High Cost Disability Fund

The House Revenue Committee held a hearing this week on two bills that would increase the amount of funding in the High Cost Disability Account for school districts to access for costs associated with students with disabilities that exceed certain levels.

Under current law, if a school district expends more than \$30,000 to meet programs related to a student’s Individual Education Plan (IEP) the district can apply to the Oregon Department of Education to seek reimbursement for costs in excess of the \$30,000. In the current biennium the Legislature appropriated \$18 million per year to this fund. For the 2013-14 school year (the most recent data available) there were 2,804 students whose costs exceeded \$30,000. The total amount of claims for those students were in excess of \$42.4 million. Since the fund only had \$18 million in the 2013-14 school year, each allowed claim was only paid about \$0.42 for each dollar expended.

The Legislature began this program in 2003; at that time the program reimbursed school districts approximately \$0.71 for each dollar expended above the cap. Since 2003, the number of students qualifying for this reimbursement has increased, which has led to the decrease in funds available for school districts seeking reimbursement.

During the last interim, the State School Fund Task Force reviewed many programs within the State School Fund, including the High Cost Disability Account. The task force recommended this account be funded to reimburse school districts at roughly an 80 percent reimbursement rate.

[House Bill 2927](#) and [House Bill 2883](#) both increase the amount within the account to \$36 million per year, or \$76 million for the biennium. HB 2883 also increases the threshold for the reimbursement from the current \$30,000 to \$40,000. While both bills would increase the percentage of reimbursement, HB 2883 would also require school districts to incur \$10,000 more in “out-of-pocket” expenses before the reimbursement is calculated.

Testifying in support of HB 2927, Sen. Sara Gelser (D-Corvallis) told the committee, “These students have a guaranteed federal right to free appropriate public education. What this fund does is recognize that some students with disabilities and their educational programs cost more, and it provides a necessary funding mechanism to help school districts meet the needs of these students.”

Also appearing in support of HB 2927, OSBA Deputy Executive Director Jim Green told the committee, “While OSBA generally does not support carve-outs from the State School Fund, this is one we do support. For a number of school districts across Oregon, this account provides vital financial support for students whose costs exceed what they normally experience. For some school

districts, it can be a financial issue even if a single student requiring these levels of services moves into their district, and this fund helps offset those costs.” Green also indicated OSBA did not support raising the threshold as suggested in HB 2883.

The co-chairs of Ways and Means have set aside within their budget roughly \$70 million to fund this account for the next biennium. While the bills are not currently scheduled for any further action, it is anticipated the committee will bring these bills back for further consideration. Contact Jim Green (jgreen@osba.org) for more information.

View HB 2927:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=15&t=&r=&q=hb 2927&c=50&key=HB 29270&ptadd=: HB 2927 Details>

View HB 2883:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=15&t=&r=&q=hb 2883&c=50&key=HB 28830&ptadd=: HB 2883 Details>

Education Roundup: Lowering compulsory school age and 60-day SPED evaluations

On March 2, the House Education Committee heard testimony on a proposal that would require an initial individualized education program (IEP) evaluation to be completed within 60 calendar days after the school district receives written consent from the person in parental relationship; the bill does allow an extension of the timeline for “good cause.”

House Bill 2673 would also require each school district to prepare an annual summary of special education services that are offered to students by the district. Proponents of the legislation argue that Oregon has one of the longest timelines for special education evaluations in the country and that some students have significant delays in receiving services. Special education teachers and administrators told the committee they do not have the resources, staff or specialists to meet the stricter timelines.

At the request of OSBA and other education groups, a work group that includes the proponents and representatives of school districts will meet soon to see if there are areas of common agreement and compromise. All parties agree they want to see needed special education services get to students as quickly as possible.

On March 5, the Senate Education Committee listened to arguments for and against lowering the compulsory age for school attendance in Oregon. **Senate Bill 321** requires that children in Oregon begin attending public school at age 5; the current compulsory age is 7. The bill does not eliminate the exemptions from compulsory attendance for parents who homeschool or send their children to private school.

Proponents of the change, including Deputy Superintendent of Public Instruction Rob Saxton, argue that Oregon’s current standard for starting school is too high, particularly for children who do not have access to preschool or come from challenged home environments. Saxton argued that these students already start out in a disadvantaged position in our society and if they do not start attending school until age 7, they will be significantly behind their peers who do.

Opponents of the proposal raised concerns ranging from the government intruding on the rights of parents to decide the course of their child’s education to concerns that some children may just not be ready for school at age 5. The bill appears to have strong support in the Senate and will likely come to a vote in the near future. Contact OSBA Legislative Specialist Morgan Allen (mallen@osba.org) for more information.

View HB 2673:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=15&t=&r=&q=hb 2673&c=50&key=HB 26730&ptadd=: HB 2673 Details>

View SB 321:

<http://www.osba.org/Resources/Article/Legislative/BillTracking.aspx?s=15&t=&r=&q=sb 0321&c=50&key=SB 03210&ptadd=: SB 321 Details>

Questions about legislative issues?

Contact the OSBA Legislative Services Team:
800-578-6722 or 503-588-2800

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Contact your legislator

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