

OSBA Legislative Highlights



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February 8, 2016

2016 short Legislative Session begins

The Oregon Legislature began its “short” 2016 session Feb. 1, working on a variety of complex issues with the dropping of the opening gavel. A minimum wage increase, solving the state’s affordable housing crisis and reforming the foster care system are just a few of the many issues on the docket for this session – and with only 35 days to be in session, the Legislature began at break-neck speed.

The speed of the session is necessary to meet the deadlines set by the leadership of the two legislative houses. Committees must complete their work on bills originally assigned to their committees by February 11. If they have not completed work on a bill, then that bill is assumed to be dead for this session. Some committees are not bound by these rules (Ways and Means, House and Senate Rules and the Revenue committees in both chambers). Bills in these committees can be considered up to adjournment, which is scheduled for March 6.

While the Legislature has attempted to work quickly this session, a minor wrench was thrown into that plan on the very first day of session. The Republicans in both chambers, in an attempt to slow down progress on some of the more controversial proposals, have demanded that bills be read in their entirety on the floors of both chambers. There is a requirement in the Oregon Constitution for this to occur, but the chambers may skip this requirement if two-thirds of the body agree. Long-time Capitol observers could not remember this tactic ever being used, and most agree it could slow the process down considerably if all the bills must be read word-for-word.

Since members and committees were limited in the number of bills they could introduce this session, the number of bills impacting education is also limited. While education funding is always one of the key areas of a “long session,” there appears to be only a limited discussion around one area of school funding this session. Education advocates are focused on increasing the funding for the Early Intervention/Early Childhood Special Education (EI/ECSE) programs by around \$5 million. These programs serve children with special education needs from birth to age five. The state has responsibility for these programs and contracts with school districts, education service districts, and in some instances institutions of higher education, to provide these services. These programs have been underfunded for several

biennia and there is a strong push to fund them in this session.

With only 35 days to complete its work, the Legislature is moving forward. As issues are discussed and debated, please feel free to contact the OSBA Legislative Services staff to receive an update on any of the various issues. Call 1-800-578-6722 (toll-free) or email:

- Jim Green (jgreen@osba.org)
- Morgan Allen (mallen@osba.org)
- Lori Sattenspiel (lsattenspiel@osba.org)
- Tyler Shipman (tshipman@osba.org)

Three-Region Minimum Wage Proposal to be considered by the Senate

Proposals to increase the minimum wage are a major discussion topic of the 2016 short legislative session. **Senate Bill 1532**, one of two legislative proposals on minimum wage, was heard last week in the Senate Workforce and General Government Committee. The other legislative proposal, **House Bill 4054**, which would phase in a minimum wage increase to \$13.50 per hour, has not been scheduled for a hearing.

There are also three statewide initiative petitions being circulated for signatures to increase the minimum wage. If enough signatures are gathered, these initiative petitions would be voted on in the November 2016 election. With these initiative petitions as a backdrop, the Legislature is working to find a solution for an increase to the minimum wage.

SB 1532 as written creates a phased-in minimum wage with tiered rates based on the size and geographic location of the employer. Governor Kate Brown’s staff testified before the committee, outlining amendments that would scale back an earlier proposal by the governor. The amendments establish a gradual increase to the minimum wage, with an increased minimum wage rate for an employee in the urban growth boundary of a metropolitan service district (primarily Multnomah, Clackamas and Washington counties). On July 1, 2016, the statewide minimum wage would increase to \$9.75 per hour. The amendment then establishes a yearly increase to the minimum wage every year until 2023. Following is a yearly breakdown of the governor’s proposal:

Year	2016	2017	2018	2019	2020	2021	2022	2023	
State-wide minimum wage/hour	\$9.75	\$10.25	\$10.75	\$11.25	\$11.75	\$12.50	\$13.25		Rate Adjusted for Inflation
Metropolitan Service District Urban Growth Boundary	-	\$11.25	\$12.00	\$12.50	\$13.00	\$13.75	\$14.50		Rate Adjusted for Inflation

OSBA Legislative Specialist Lori Sattenspiel testified before the committee on how the phase-in would impact school districts. “Annually increasing the minimum wage by \$0.50 is a 5 percent increase – districts are currently averaging increases between 0-3 percent. When a minimum wage increase impacts a school district’s salary schedule, it will require the district to bargain.” At this hearing several advocates, including OSBA, addressed the potential damage this bill could do to employers around the state.

Late in the week, the Senate Democrats put forward an alternative plan that was approved by the committee on a straight party-line vote. This new proposal was added to SB 1532 and creates three separate wage regions in the state with differing increases. The proposal approved by the committee is as follows:

Minimum wage/hour	2016	2017	2018	2019	2020	2021	2022	2023	
Region 1	\$9.50	\$10.00	\$10.50	\$11.00	\$11.50	\$12.00	\$12.50		Base - \$1.00
Region 2 (BASE)	\$9.75	\$10.25	\$10.75	\$11.25	\$12.00	\$12.75	\$13.50		Rate adjusted by CPI
Region 3	\$9.75	\$11.25	\$12.00	\$12.50	\$13.25	\$14.00	\$14.75		Base + \$1.25

- **Region 1** includes the following counties: Malheur, Lake, Harney, Wheeler, Sherman, Gilliam, Wallowa, Grant, Jefferson, Baker, Union, Crook, Klamath, Douglas, Coos, Curry, Umatilla and Morrow.
- **Region 2** includes: Benton, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Lincoln, Marion, Polk, Tillamook, Wasco and Yamhill counties; plus portions of Washington, Clackamas and Multnomah counties.
- **Region 3** is the Portland Urban Growth Boundary.

SB 1532, as amended by the Senate Democrat plan, will be considered by the full Senate sometime this week.

Contact Lori Sattenspiel (lsattenspiel@osba.org) or Tyler Shipman (tshipman@osba.org) for more information.

View a description of the Senate Democrat’s proposal under SB 1532:

<https://olis.leg.state.or.us/liz/2016R1/Downloads/CommitteeMeetingDocument/85553>

View SB 1532:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/SB1532>

View HB 4054:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4054>

Key education-related bills in the 2016 Session

In addition to being limited to 35 days, the number of bills that can be introduced during the even-year "short sessions" is capped as well. Around 300 bills have been introduced and OSBA staff are tracking about 50 that would have impact on K-12 school districts, education service districts (ESDs) and community colleges. Here is a list of key bills likely to be voted on in February:

- **House Bill 4002/House Bill 4031** both attempt to address the issue of chronic student absenteeism. HB 4002 directs the Department of Education to develop a statewide plan to address chronic absences, while HB 4031 appropriates \$5 million to the Chief Education Office to create and fund pilot programs around the state to "decrease rates of absenteeism." Both bills have been voted out of the House Education Committee, with HB 4031 headed to the Ways and Means committee for consideration.
- **House Bill 4057** has been approved by the House Education Committee. It requires the Oregon Department of Education (ODE) to collect information from school districts about programs and promising practices that are intended to improve student achievement for students impacted by poverty.
- **House Bill 4130** proposes significant changes to Oregon's public records law and received a hearing in the House Rules Committee Feb. 5. OSBA staff have shared concerns with the sponsors of the legislation about impacts on school districts around proposed deadlines to complete public records requests due to schools' unique schedule (summer break, et al.). Legislators have indicated they will be drafting amendments to address K-12 concerns.
- **House Bill 4119/Senate Bill 1566** both propose removing the sunset date (July 1, 2017) on Oregon's open enrollment law. Without this change, 2016-17 will be the last school year that districts can accept students through this transfer pathway. The Senate Education Committee will take up SB 1566 on Feb. 8, while the House Education Committee will discuss HB 4119 on Feb. 10. OSBA has asked legislators to consider using these bills to end the complexities and confusion by having both open enrollment and interdistrict transfer options available to districts.

We consistently hear from school district personnel that they would prefer one transfer system statewide so everyone is considering student transfers under the same guidelines.

- **Senate Bill 1537** has been proposed in an attempt to enact tighter guidelines and sideboards for so-called "5th year" high school programs. The bill is an attempt to target the programs to "at-risk" students and limits the amount districts can claim from the State School Fund (SSF) to a .75 weight. It would also prohibit students eligible for the Oregon Promise from entering "5th year" programs, require ODE to report on how many students are enrolled and the financial impact on the SSF, and asks for recommendations from ODE and the Higher Education Coordinating Commission (HECC) on a long-term, sustainable source of funding for the program. The Senate Education Committee is scheduled to vote on the bill Feb. 10.

These are just a few of the bills OSBA is tracking this February. Contact OSBA Legislative Specialist Morgan Allen (mallen@osba.org) for more information.

View House Bill 4002:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4002>

View House Bill 4031:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4031>

View House Bill 4057:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4057>

View House Bill 4119:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4119>

View House Bill 4130:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4130>

View Senate Bill 1537:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/SB1537>

View Senate Bill 1566:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/SB1566>

Bill to address speech and language pathologist shortage approved by House Committee

A bill that would help address the shortage of speech language pathologists (SLPs) and SLP assistants available to work in school districts was approved unanimously by the House Education Committee date.

House Bill 4022 would allow a retired speech language pathologist or SLP assistant to come back to

work in a school district and not have their retirement impacted. Without this bill, a retiree from the Public Employees Retirement System (PERS) can retire and continue to work part-time in a PERS-covered position for up to 1039 hours. This exception would allow those same retirees to work beyond the 1039-hour limitation. PERS exceptions for retirees have been used in areas of the state where there are shortages of various types of workers, including SLPs.

HB 4022 extends the exception in place since 2007 that had recently expired. If passed, the bill would extend the exception out to 2026, when the Legislature would have the opportunity to revisit its use for speech language pathologists, if a shortage of these workers still exists.

OSBA Legislative Specialist Lori Sattenspiel testified in favor of the bill, using an example from a school district in a remote area of the state to describe the need for this PERS exception to the committee. "This school district has had on-going challenges to meet the needs of their students because they cannot contract with an education service district or a private speech language pathologist provider willing to drive 100 miles to this remote school district to provide services to their students," she said.

The bill is now headed to the full House for consideration.

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

View HB 4022:

<https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4022>

Contact your legislator

Find your legislators' contact information on the Oregon Legislature's website:

- House – www.oregonlegislature.gov/house
- Senate – www.oregonlegislature.gov/senate

To contact your legislator by phone, call the Capitol Switchboard at 1-800-332-2313.

