



OSBA EVENTS

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Spring Legislative Update WEBINARS

Wednesday, March 30 – 8:30-9:30 a.m.

Wednesday, May 18 – 8:30-9:30 a.m.

Summer Board Conference

July 15-17, 2011 – Bend

Annual Convention

November 10-13, 2011
Portland



Sen. Devlin to join webinar update

On Wednesday, March 30, 8:30-9:30 a.m., OSBA's Legislative and Public Affairs team is hosting a webinar to update you on the current legislative session. Hear first hand from OSBA's legislative team about key issues at the Capitol that will affect schools. Submit your questions during the webinar and get the answers you need.

Joint Ways and Means Committee co-chair **Senator Richard Devlin** (D-Tualatin) will provide a briefing on the state budget for the next biennium. A Joint Ways and Means co-chairs budget for 2011-13 is expected to be released at the end of March. Devlin has a long track record as an advocate for education.

To participate, [sign up now](#) at the OSBA website. The webinar is FREE but you must register to participate. Log-in information and a link to test your system will be emailed to you.

Save the date – a second legislative webinar is scheduled for May 18.

PRESIDENT'S POST

'Whoa, Nellie! Rein in the consolidation discussion'

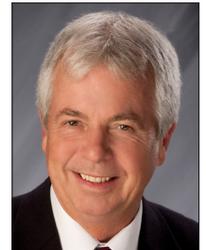
The topic of school district consolidation is as predictable as spring each time Oregon faces a budget crisis. And now, a new round of school district consolidations is being discussed by those wishing to stretch scarce public dollars or 'reform' our education system in various ways.

Yes, financial resources are scarce, and likely to be so for some time. Yet, we all seek new ways to improve the academic achievement of Oregon students and to offer better opportunities for our youngsters.

But over the years, school district consolidation has, for some, become almost a knee-jerk reaction to problems, real or perceived, with schools in Oregon. Those who embrace this as a fix-all solution seem to have given little thought to the vastly differing realities of life in Oregon, the enormous diversity of our communities and the complexities of creating, for each child, what we like to call 'student success' in education.

If lagging student achievement is the issue to be addressed by proponents of further consolidations, they should be re-

minded that Oregon's small and rural districts are consistently at or near the top of the list under the state's annual report card system. These same schools have among the lowest dropout rates, and very few have fallen into the 'needing improvement' category as indicated



David Beeson
OSBA president

by Oregon's Assessment of Knowledge and Skills standardized testing. If a slightly lower rate of college attendance by graduates of Oregon's small and rural schools is an issue with some, they should try to understand that many of these bright students choose to stay in their local communities because of quality of life, historic ties to the land and resource-based family businesses, and that a college education may be less relevant for these young adults.

'Improved efficiencies' is another new rationale for more consolidations. Those

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Camreta got his day at the Supreme Court

On March 1, Oregon Attorney General John Kroger and the student's attorney presented arguments to the U.S. Supreme Court. At issue is what should be required for the police or a caseworker from the Department of Human Services to interview a child at school in a child abuse investigation.



OSBA General Counsel and Deputy Executive Director Dori Brattain had the opportunity to observe the high court in action while she was in Washington, D.C.

Last year, the 9th Circuit Court of Appeals ruled, in *Greene v. Camreta*, that pulling a nine-year-old girl from her classroom to be interviewed in the school office by a state child protective services caseworker and a deputy sheriff constituted an unlawful seizure because the police and DHS had not established probable cause or exigent circumstances or obtained parental permission. The state appealed on

behalf of the police and DHS.

While the Supreme Court justices tried to focus on esoteric topics like justiciability and the existence of a "real case or controversy," Kroger centered the argument for the state on the safety of the child and the need for DHS and law enforcement to conduct investigations into child abuse in a school setting without probable cause, exigent circumstances or parental permission.

The justices batted around the idea of vacating the 9th Circuit decision, but Oregon argued that, although better than where the current law now stands, it would still make DHS and police uncertain about what the court could require for such interviews in a school setting in the future. A decision is not expected until sometime this summer.

OSBA, district administrators and school leaders have been following this case closely because it affects the working relationship between law enforcement and schools and could impact the safety of a child when there is a suspicion of abuse in the home.

KEEPING YOU IN THE LOOP

OSBA shares school priorities with Wyden

Dear members,

The momentum gauge here at OSBA headquarters is moving in our direction on an important issue.

As politicians in Washington, D.C. turn their attention to reauthorizing federal education law, they are seeking OSBA's help. I am hopeful that this signals the beginning of a serious effort to remove the punitive nature of the Elementary and Secondary Education Act. Unless changes are made in the law, which also is known as No Child Left Behind, eventually every public school in the country will be labeled a failure.

We have been working on this issue for years, with support from many local board members and in cooperation with the National School Boards Association. Most recently, we fielded a request from U.S. Senator Ron Wyden to describe specific changes that should be made in the law. A few days ago, Dori Brattain of our staff presented our suggestions in person to Senator Wyden's staff. She also asked that they be shared with Senator Jeff Merkley. He serves on the Senate Health, Education, Labor and Pensions Committee, which will hear ESEA reauthorization bills.

In brief, the priorities that Dori shared are as follows:

- Don't cut Title I programs this year, as the House appropriations bill would do. Distressed school budgets and depressed local economies mean more disadvan-

tagged students need more help, not less.

- Don't fund new competitive grant programs when a bedrock program like Title I is being cut and Congress is meeting less than half of its funding obligation for special education.
- If the government consolidates educational programs, use the savings to fill the shortfalls in Title I and special education – not to fund competitive grants.
- Reduce requirements for local districts to collect data. Much of it is unusable, despite the cost to collect it and send it to Washington. We don't need data for data's sake.

Our invitation from Senator Wyden followed his breakfast meeting in early February with seven school board members from across Oregon. The board members were **David Beeson** from Silver Falls, **Beth Gerot** of Eugene, **Kris Howatt** from Gresham-Barlow, **Patti McLeod** from Hillsboro, **Dave Krumbein** of Pendleton and **Laurie Adams** of Springfield. OSBA organized the visit and provided staff support.

OSBA works year-round to make your voices heard, not only in Washington but also here in Salem with the Oregon Legislature. I look forward in future columns to reporting our progress in both arenas.

Sincerely,



Kevin McCann, OSBA executive director

Prepare for brighter days ahead

OSBA Summer Board Conference

July 15-17, 2011 – Riverhouse Hotel & Convention Center, Bend

It's exciting and rewarding to get together with board members from across the state who have faced similar challenges and share your commitment to public education. Come to Bend this summer to discover your strengths, build on shared knowledge, learn new information and find solutions to help you in the year to come. OSBA's Summer Board Conference will focus on the critical role of the board in creating a culture of trust and safety for students and staff.

Friday, July 15, is a pre-conference day with two board member workshops – one on improving meetings and another on making hard budget decisions – and a

workshop for board secretaries.

The conference begins Saturday with a keynote presentation by Michele Borba on *Building students' moral intelligence*, and what schools must do to **teach** children to be more responsible, compassionate and respectful. (See *Recommended Reading*, page 4.)

Saturday and Sunday breakout sessions cover roles and responsibilities, parliamentary procedures for board chairs, fiscal oversight, crisis communications, superintendent evaluations, school climate and much more. Registration and the complete agenda are at www.osba.org/SB11.

President's Post – continued from page 1

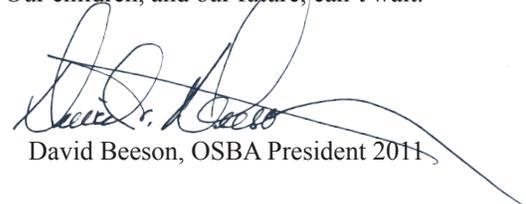
who have lived through decades of repeated funding crises for Oregon public schools, and an increasing reduction in the share of the state budget allocated to schools, would argue that school districts are probably about as efficient as they are going to be. For many years now, districts have cut and fine tuned to save every penny. In terms of increased efficiencies or more cost savings, there isn't much, if any, juice left in the consolidation lemon.

More than two-thirds of Oregon's school districts are comprised of small schools. In the eastern part of our state, and in small communities outside of urbanized Oregon, the local school is often the 'heart' of community. Rural and small-town Oregonians care deeply about educating their children. Community support for youngsters and involvement in their schools is a highest priority.

Before we, as a state, embrace a new round of school district consolidations, we need hard data about student achievement, teacher performance, and projected cost savings and efficiencies. Decision makers need to understand a reality outside of that presented by Oregon's four or five most developed counties. They need to grasp the importance of a single school or a local school district in a county which has more deer than Oregonians – and where distances are long. They need to know that what might be good for some isn't best for all. Most importantly, these decision makers need to involve all stakeholders in the conversation around consolidation – not apply their wisdom in a potentially destructive and irrevocable top-down manner.

What those who seek to reform, find greater efficiencies and make the big decisions ought to do, in my view, is to stop 'tinkering,' take a deep breath and summon the courage to start a conversation with Oregonians which leads to a stable, adequate and sustainable source of funding for our most important Oregon investment – the education of our future citizens.

As a rancher, I have often heard a familiar maxim over the years, "You can't starve a profit out of your stock," but that is exactly what policy for funding public education in Oregon has been trying to do for years. Changing that approach is long overdue. Our children, and our future, can't wait.



David Beeson, OSBA President 2011

BEST PRACTICES: *Limiting liability*

Make a safe place for kids to play



Each year in the U.S., roughly 200,000 kids are treated for injuries that happen on playgrounds.

As the weather improves and children play outside more, districts need to take precautions to protect students from injuries and the district from unnecessary claims and lawsuits.

The “Handbook for Public Playground Safety,” published by the Consumer Product Safety Commission, outlines basic equipment and design recommendations to provide a play environment that limits the potential causes of injuries. These guidelines are based on voluntary ASTM F1487 standards which govern technical playground design for manufacturers, architects and designers. While these guidelines are not code and enforceable by a fining agency, they do help to promote safe playground design and equipment and following them will help your district’s defense should an injury occur.

There are five key recommendations to be aware of when reviewing your play areas:

Provide adequate shock-absorbing materials – Shock absorbency can be provided with either loose fill materials or solid material designed for cushioning. Recommended loose fill materials include wood chips, double-shredded bark mulch, engineered wood fibers, fine sand, coarse sand, fine gravel, medium gravel and shredded tires. Depending on the height of play equipment, surfaces should have a consistent 6-12 inches of shock-absorbing material.

Establish fall zones – Each piece of stationary equipment should have a mini-

mum of six feet around it in all directions that is free of ground hazards and is covered with sufficient shock-absorbing material. When fall zones must overlap due to space constraints, there should be a minimum of nine feet between structures over 30 inches tall. Swing sets are the exception to the six-foot rule, and their fall zone should extend two times the height of the swing fulcrum in front and behind the swing’s center.

Maintain safe hardware – Equipment should be checked regularly for extensive



wear, protruding bolts, and pinch points. Chains should not have open “S” hooks and should be replaced when there is 50 percent wear of the chain’s gauge. Nuts, bolts and support bars should be flush to the play surface.

Eliminate entanglement and entrapment hazards

– Any protruding item which may catch children’s clothing and strings can be an entanglement hazard. These openings or snags should be filled in or made flush with their surrounding surface. Any opening which is greater than 3½ inches but less than 9 inches could entrap a child’s head, arm or leg and should also be eliminated.

Conduct monthly inspections – One of the most effective safeguards for any district is to document monthly inspections of the equipment. This will not only assist the district in quickly identifying any hazards which arise from normal wear and tear, but also provides a record when hazards are identified and mitigated. A sample monthly checklist is available through the CPSC or by contacting the PACE Loss Control Department at 800-285-5461.

Regular inspection and maintenance can take time and money, but it is critical to the safety of students. PACE’s loss control team is ready to help with safety inspections, additional information and training. Contact Scott Neufeld, PACE loss control manager, sneufeld@sdao.com.

Download the “Handbook for Public Playground Safety” from the U.S. Consumer Product Safety Commission at <http://www.cpsc.gov/CPSCPUB/PUBS/325.pdf>.

UPDATE

Service animal rule affects Hillsboro

The Hillsboro School District has agreed to allow an autistic student to bring his dog to class under pressure from the U.S. Department of Justice and U.S. Attorney for Oregon. The case made national headlines after Disability Rights Oregon filed a civil rights complaint under the Americans with Disabilities Act (ADA).

The district originally denied the request for the dog to accompany the child at school on the grounds that the student was adequately achieving the goals of his individual education plan (IEP) which complied with the requirements of the Individuals with Disabilities Education Act (IDEA).

The attorney for Disability Rights Oregon took the issue to the Department of Justice (DOJ) arguing that the case did not involve IDEA, but rather rights of access to a public building under ADA. The De-

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Student performers needed for convention

OSBA is looking for three or four student groups to entertain at this fall’s OSBA Convention. The 2011 OSBA Convention will be November 10-13 at the Portland Marriott Downtown Waterfront. Each year, the OSBA Convention showcases student performing arts groups for the 800 attendees (board members, superintendents and community college presidents). OSBA will reimburse up to \$1,000 of actual expenses (upon submission of receipts).

Groups are selected based on the quality of the performance, but we also strive to have a variety of performance types (band, orchestra, choir, ensemble, dance and theater), student ages, district sizes and geographic areas represented. The performing group size is limited to a maximum of 35 students.

Submit entertainment proposals [online](#) or download the form and send it with an audition audio or video recording. Audition materials do not need to be professional quality, but sufficient for us to review a performance. The deadline for submissions is June 3, 2011. Contact Leslie Fisher, lfisher@osba.org, 503-588-2800 or 800-578-6722, with questions about student entertainment.



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Recommended Reading

Teaching kids to do the right thing

Building Moral Intelligence, by Michele Borba, is aimed mostly at parents with its wealth of sensible child-rearing tips, but it contains profound truths about how children learn moral behavior that are equally important for educators and communities.

Borba articulates the core traits that build and promote responsible citizenship – and safe schools begin with responsible behavior. Her list of seven essential virtues includes: empathy, conscience, self-control, respect, kindness, tolerance and fairness.

Published in 2001, the book cites a number of disturbing statistics: the U.S. has the highest youth homicide and suicide rates among the 26 wealthiest nations in the world; every day an estimated 160,000 children miss school for fear of being bullied; and studies have found that nearly half of high school students admit to stealing something from a store, one-in-four say they took a weapon to school at least once, seven-in-ten admit to cheating on an exam. [Ed. – Some recent studies do show some

improvement on these statistics.] Borba believes this constitutes a national crisis that must be addressed with an organized effort to develop moral character so kids will do the right thing.

It is impossible, in our culture, to shield children from negative influences, but children *learn* right and wrong. As their cognitive capacities develop, they increasingly learn to exercise self-control, be fair, show respect, share and empathize. Moral intelligence must be consciously modeled and nurtured.

This book is a step-by-step blueprint for teaching ethical behavior. Borba includes tools for evaluating a child’s moral growth, practical activities for teaching and developing these traits, real-life examples and other resources for parents and teachers.

Michele Borba is a former teacher with a wide range of experience and an internationally renowned expert on child development and parenting. *Borba is the featured keynote speaker for the OSBA Summer Board Conference in Bend this July.*

Service animals – continued from page 3

partment of Justice agreed, stating, “Under ADA, it is clear that public schools must provide access to individuals with disabilities who use service animals.”

DOJ recently revamped regulations to include service animals for people with “neurological disabilities.” The new regulations, which were effective March 15, also limit service animals to dogs specifically trained to perform work directly related to the person’s disability. In this case, the dog is trained to prevent or interrupt the student’s impulsive or destructive behavior.

The district still maintains that the dog is not necessary for the student’s education, but has agreed to try having the dog in the classroom. The decision to drop the fight was far from unanimous, but board members concluded that it was in the best interest of the student to give the dog a try – and in the best interest of the district to not spend money fighting in court.

The only other students using autism service dogs at school in Oregon are in Canby and Beaverton. This case may signal an increase in the requests schools receive to allow service animals in the future.