



## OSBA EVENTS

[www.osba.org](http://www.osba.org)

### Summer Board Conference

July 15-17, 2011 – Bend

### Annual Convention

November 10-13, 2011

Portland

Building  
a brighter  
day

OSBA Summer  
Board Conference  
July 15-17, 2011 in Bend



### You can still register!

Join us in Bend for pre-conference meetings on July 15, and the summer board conference, with outstanding presentations and five workshop sessions with 14 different topics to choose from, July 16-17.

### Qualify for bronze award

You can complete all of the bronze level Leadership Institute courses in just two days by choosing to take these workshops at the conference: *Roles and Responsibilities*, *Public Meetings and Executive Sessions*, *Ethics*, *The Board's Role in Financial Oversight* and *Data and Student Achievement*.

Registration and agendas for the pre-conferences and the two-day Summer Board Conference are at [www.osba.org/SB11](http://www.osba.org/SB11). The pre-conferences require separate registration from Summer Board Conference.

Be sure to invite your new board members!

## Governor signs mandate relief bills

On Tuesday, June 14, Governor Kitzhaber signed two mandate relief bills that were top priorities for OSBA members during this legislative session.

Senate Bills 560 and 800 cleared both houses of the Legislature with only one negative vote after months of work by the OSBA legislative team and a coalition of education groups. The bills will reduce reporting requirements for schools, and will eliminate redundant or obsolete laws affecting school districts and the Oregon Department of Education.

"Schools are becoming overwhelmed by bureaucratic requirements that divert time and resources from the classroom," said Tricia Yates, OSBA associate executive director for legislative and public affairs. "These bills are an important step for Oregon's schools and a great example of Oregonians at all levels working together to make things better for students and teachers. The support from legislators and the governor has been tremendous."

In addition to OSBA, the Mandate Relief Project coalition included the Oregon Department of Education, Confederation of Oregon School Administrators, Oregon Education Association, Oregon School Employees Association, AFT-Oregon and the Oregon Association of Education Service Districts.



Gov. John Kitzhaber signs the mandate relief bills into law, watched by (l to r): State Superintendent Susan Castillo; Cindy Hunt, ODE; Sen. Suzanne Bonamici; Autumn Wilburn, ODE; Sen. Betsy Johnson; Rob Wagner, AFT-Oregon; Tricia Yates, OSBA; Kris Howatt, OSBA president-elect; Richard Schwarz, AFT-Oregon.

Yates said the work on mandate relief will continue with the coalition pushing for legislation requiring local fiscal impact statements on bills affecting schools. That would make it harder for the legislature to approve new programs without also providing the funding for them.

The coalition's success has earned national attention at a time of growing concern among educators over mandates at the state and federal levels. For example, the National School Boards Association and the American Association of School Administrators have launched a petition drive to seek relief from some federal regulatory requirements. These include paperwork tied to one-time stimulus funds for schools and financial penalties imposed on schools with low test scores.

## KEEPING YOU IN THE LOOP

### Flood of education bills unleashed in final days of session

Dear OSBA Members:

Over the past few weeks, education advocates paced the halls of the Capitol trying to influence a package of bills that legislative leaders were negotiating. This week the deal legislators cut fell into place as the House and Senate attempt to finish their work by the end of the week so they can adjourn for the year.

On Tuesday, June 21, 14 education bills

were passed in a torrent of legislation that has the potential to remake the state's educational system. Included are major changes to online charter schools, full-day kindergarten, ESD "opt-out," boosts to career and technical education, making the position of state superintendent an appointed office and the creation of the Education Investment Board to oversee investment in all

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## In the Loop – from page 1

levels of education, among other changes.

School board members appreciate that the Legislature added \$25 million to K-12 funding, increasing the K-12 allocation from the General Fund and Lottery to \$5.725 billion. But we continue to be concerned that a few major K-12 policy changes were passed in the waning moments of the session without time for educators and parents to weigh in. Despite the end of session push, the OSBA legislative staff worked to the very end to convince legislators to take time to examine these bills closely.

While there were good bills and bills that OSBA did not support in the K-12 package, I applaud the legislature and governor for focusing on addressing the challenges facing our K-12 system. But, due to Oregon's struggling economy, this session continued the decade-long disinvestment in K-12 education that has led to school closures, teacher layoffs, and one of the shortest school years in the nation. While these bills have the potential to improve student achievement and align educational priorities, I remain concerned that without an equally robust discussion about how we fund education in Oregon, we will again fall short of our goal to ensure that every child in Oregon is prepared to go on to college or a career. As we enter this phase of the debate I know that OSBA and school board members across Oregon are ready to push our elected leaders to tackle this problem with equal vigor.

Our staff will now shift its focus to developing an initial report for our members that outlines the bills that became law and prepare for our fall regional meetings.

Look for a summary of what took place this week at the Capitol in Friday's *Legislative Highlights*, and check the *Daily Updates* legislative blog ([www.osba.org/Resources/Article/Legislative/DailyUpdates](http://www.osba.org/Resources/Article/Legislative/DailyUpdates)). In July, after the dust has settled and our team has had a chance to catch their breath, OSBA and COSA will put out a joint report on the 2011 legislative session.



Kevin McCann, OSBA executive director



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## PRESIDENT'S POST

# Common Core Standards: great potential mixed with some real challenges

If I ever retire from ranching, I may try managing jello. After about 30 years cumulative service on public school boards, I certainly feel experienced at it. And you will too, if you survive the next four years and the implementation of Common Core Standards in Oregon.

By the spring of 2015, all of Oregon's public schools will switch from state standards in language arts and math to uniform multi-state benchmarks known as Common Core State Standards (CCSS). New tests will replace Oregon's current OAKS (Oregon Assessment of Knowledge and Skills) testing starting with this fall's ninth-graders. Students will have to demonstrate that they have mastered these new standards in order to graduate from high school.

This presents multiple and daunting challenges for our students, and for school boards. The obvious challenge for our youngsters is meeting much tougher graduation requirements. The new standards are pegged to international benchmarks, generally regarded as much higher than our own. The challenge for our school districts is.... well, complex seems an understatement.

School districts will have to educate their students to the increasingly elevated state standards while simultaneously implementing the Common Core Standards, including teacher training and purchase of learning materials. All of this will occur in an unprecedented era of financial stress and cut-backs. Training budgets are diminished or gone, teachers are managing more students with fewer resources, fewer teaching days are available – the list goes on. My district's curriculum director summarized our dilemma with a quietly spoken "good grief."

In my darker moments, I think that the Common Core Standards snuck up on us while we were obsessing with and struggling to deal with NCLB requirements. I would be the first to acknowledge that the new standards are a great idea. (Everyone wants high academic standards, right?) But I do worry that the bar may now have been raised so high that success will elude many of our students, despite our best efforts.

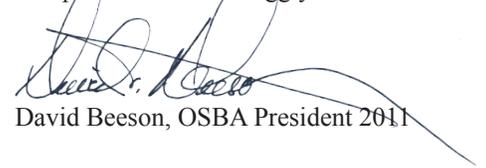
On the other hand, I wasn't elected to lead from the dark side. The Common Core Standards could offer some long-term savings as states share the cost of developing

curriculum and testing. CCSS will give us a better view of how our students' achievement actually measures up against their peers in other states and countries. It's critical that we have an honest assessment of academic achievement based on uniform standards, not something less that may make us feel better but may short-change our youngsters.

As board members, we need to work hard and diligently to adapt our districts to this new reality. We must learn everything about the Common Core Standards and share this literacy with our communities. We have to find means to provide staff training, instructional materials and curriculum development. We must be engaged with policy makers and legislators to ensure that they provide both clear guidance and adequate resources to meet the challenges.

OSBA is tracking this issue closely. We are working with the Oregon Department of Education on all of the surrounding implementation. Your association has workshops scheduled on the topic and more will follow. OSBA is also ready to advocate for districts as issues arise around implementation.

The Common Core Standards present significant opportunity for higher achievement for our students, but unless as board members we pay close attention, we may just wind up with a bowl of wiggly frustration.

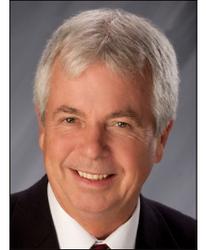


David Beeson, OSBA President 2011

## Web login to change

Look for "My OSBA" to debut on the OSBA website in mid-July. We are moving our website login from its current, district-based login system to individual logins. OSBA members will receive an e-mail in mid-July with their individual username and password.

When you first login, you will be able to  
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David Beeson  
OSBA president

## OSBA helps you understand CCSS

OSBA has been actively involved in working with boards to understand how Common Core State Standards (CCSS) will be implemented and what these changes mean for Oregon students.

- Last year, Colleen Mileham from the Oregon Department of Education made a presentation to the OSBA board on CCSS and what adoption would mean for Oregon students.
- Last October, ODE adopted CCSS for English Language Arts and Mathematics.
- OSBA board member **Linda Brown** from Clackamas SD, and Peggy Holstedt, OSBA Board Development and Policy Service associate director, currently serve on the ODE's CCSS Implementation Committee communications group.
- Discussion of Common Core Standards is included in the three-hour board course, *A Systems Approach to Student Achievement*, and will be included at the OSBA Summer Board Conference in July.
- A workshop on CCSS is scheduled at the

OSBA convention in November, presented by Mickey Garrison from ODE.

Oregon has had content standards for education since the Educational Act for the 21<sup>st</sup> Century was enacted in 1991. With the passage of No Child Left Behind in 2001, we moved to grade level content standards, and in 2007, we began a transition to a core standards structure designed to be more focused and coherent. The implementation of CCSS has the potential to further improve the assessment tools needed by board members and educators.

The strengths of CCSS are their alignment with expectations for college and career success, their foundation in the lessons and positive results of content standards in select states and other top-performing countries, and their basis in evidence and research.

You can find more information on the [ODE website](#) including a fact sheet, implementation timelines and a list of frequently asked questions.

## July board meeting checklist

Each year, school boards must conduct an organizational meeting after July 1 to begin the new fiscal year. In election years, that meeting must occur no later than the last day of July. ORS 332.040, 255.335(5) At this meeting, the board is required to elect a board chair and vice chair. Other requirements listed below need to be done by the board at some point, either as recommended practice or legal mandate.

- Swear in unsworn directors, who must take an oath of office before assuming duties. Elect board chair and vice chair. ORS 332.005(2), 332.040
- Make sure the following positions are designated:
  - Chief administrative officer** (the district superintendent) as school district clerk, or another individual, if there is no chief administrative officer. ORS 332.515
  - Business manager or deputy clerk**, or both.
  - Custodian of funds** who will sign checks or, if the school board so authorizes, utilize a facsimile signature for that purpose. ORS 328.441, 328.445
  - Budget officer**, who shall prepare or supervise preparation of the budget document under the direction of the executive officer. ORS 294.331

- Financial auditors** for the school year, who may be contracted for through the administrative office of the county in which the administrative office of the school district is located. ORS 328.465, 327.137, 297.405

- Legal counsel.**

- Determine fidelity-bond amounts for those authorized to handle district funds and ensure they are bonded by a surety company authorized in Oregon. ORS 332.525
- Set a borrowing limit for the custodian of funds.
- Establish dates, time and place of regular monthly board meetings.
- Establish depository(ies) for school funds. ORS 328.441, 294.805-294.895
- Review status of Local Public Contract Review Board and rules. ORS 279A.060
- Appoint members of standing committees.
- Approve personnel changes.
- Approve contracts for payment. ORS 332.075(2-3)

If some of these items were omitted from your July agenda, approve the additions at the start of the meeting.

Read referenced Oregon Revised Statutes online, <http://www.leg.state.or.us/ors/>.

## Can a school district file for bankruptcy?

There is no record of a school district, or any other municipality, filing a chapter 9 bankruptcy in Oregon and it is unclear whether Oregon law would allow a school district (or an ESD, community college or charter school) to file for bankruptcy. Chapter 9 of the federal bankruptcy code does authorize municipalities, including school districts, to file; however, the state must authorize its municipalities to file for bankruptcy.

Other states, including California and Pennsylvania, have enacted laws which do authorize municipal bankruptcy. In those states, there are examples of municipalities filing chapter 9 bankruptcy petitions to obtain the court's assistance in negotiating settlements with their creditors, staying legal actions for debts they are unable to pay and even renegotiating collective bargaining agreements with unions.

Chapter 9 bankruptcy could be a useful tool for a school district in situations where the district cannot meet its financial obligations, has attempted without success to negotiate with its creditors and is facing legal action for failure to pay its debts. However, it is also expensive, time consuming, could negatively affect future borrowing and the outcome is uncertain.

Since there is no Oregon precedent for municipal bankruptcy, any district contemplating this as a remedy for debt should realize that they would become the test case when they file. OSBA attorneys are currently working to obtain clarification of the Oregon bankruptcy law as it pertains to school districts and other education entities.

If you have questions or your board is considering such an action, contact OSBA attorney Haley Percell, [hpercell@osba.org](mailto:hpercell@osba.org), 800-578-6722 or 503-588-2800.

For further discussion of this and other issues relating to schools running out of money, come to OSBA's summer board pre-conference workshop, *Between a Rock and a Hard Place*, July 15 in Bend.



## Supreme Court overturns decision on interviewing children



The U.S. Supreme Court ruled in late May in the appeal of *Camreta v. Greene* and discarded the lower court's ruling that authorities need warrants

to talk to potential victims of sex abuse at school, but did not issue an opinion on whether it thought the earlier decision was wrong. The high court found the challenge moot because the girl in the case is now almost 18, living in Florida and would no longer be affected by the outcome of the case.

The Oregon case involved a 9-year-old girl who was interviewed at her school by a social worker and a police officer because they suspected she was being abused by her father. The girl's mother sued, claiming that removing her daughter from class for questioning was unconstitutional seizure under the Fourth Amendment.

The 9<sup>th</sup> U.S. Circuit Court of Appeals, the federal court with jurisdiction over Oregon, agreed, saying the authorities should have obtained a warrant, a court order or parental consent before talking to the child – or have demonstrated that they acted with probable cause and under exigent circumstances. However, the Circuit Court also ruled the social worker and police officer were immune from damages resulting from the suit, saying no clearly established law warned them their conduct was illegal.

The state of Oregon appealed to the Su-

preme Court on behalf of the Department of Human Services and law enforcement. The case has been watched closely with the hope that the high court would establish a rule on what type of questioning would require a search warrant and what questioning conducted without one would not violate a child's constitutional rights.

Following the 9th Circuit's ruling, school districts adopted policies requiring police or state case workers to produce a warrant, court order, parental permission or exigent circumstances prior to interviewing a student on school grounds as part of a sexual abuse investigation. Because this issue will likely arise again, at this time OSBA suggests that, as a best practice, school districts should keep their current policies and administrative regulations, adopted after the 9th Circuit's 2009 decision, in place.

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**Login change** – *continued from page 2*  
change your password. This change allows us to provide more member benefits over the Internet. You will have access to OSBA subscription services purchased by your district and you will be able to view existing event registrations, add new registrations and cancel registrations. Board members will be able to review their status in OSBA's Leadership Institute.

Other changes planned for the upcoming year include the ability to update your contact information, set your communication preferences and track your purchases.

## Schedule OSBA staff for board retreats

Schedule presentations from OSBA on a particular topic, a facilitator for strategic planning or in-service training sessions now.

OSBA board development, policy and legal staff members present workshops on a variety of topics to help boards and school staff operate efficiently and confidently. The most popular topics for board retreats include *Roles and Responsibilities*, *Operating Agreements*, *Strategic Planning*, *Goal Setting* and *A Systems Approach to Student Achievement*. These workshops run about a half-day and the cost is \$475 plus travel expenses. Consider inviting other districts in your area to participate and share the expense. To schedule workshops, call 503-588-2800 or 800-578-6722.

If you would like more structured assistance, OSBA facilitators can guide you through strategic planning, help you define operating agreements or resolve issues. To find out more, contact Betsy Miller-Jones, [bmillerjones@osba.org](mailto:bmillerjones@osba.org) or Steve Lamb, [slamb@osba.org](mailto:slamb@osba.org).

OSBA and PACE staff also present a wide variety of workshops for in-service training on topics from how to deal with bullying to how to use fire extinguishers. Most of these trainings are free to PACE members. The *PACE Training Guide* is online at [pace.osba.org](http://pace.osba.org) or for more information, contact Lisa Freiley, [lfreiley@osba.org](mailto:lfreiley@osba.org), or Scott Neufeld, [sneufeld@sdao.com](mailto:sneufeld@sdao.com).

And remember, public meetings laws apply to board retreats and work sessions just as for regularly scheduled meetings.