



OSBA EVENTS

www.osba.org

Fall Regional Meetings
through Nov. 1

Finance Campaigns
Five regional workshops,
through Nov. 4

Annual Convention
November 10-13 – Portland

**OSBA Board and Legislative Policy
Committee, vote Nov. 14-Dec. 15**

**New OSBA Board and Legislative
Policy Committee,**
take office Jan. 1

School Board Recognition Month
January 2012

**Sustainable Schools Conference:
Bonds to Buildings**
Feb. 1-2, 2012, Salem

educating students
for a **bold**
tomorrow

Nov. 10-13, 2011
Portland



Governor's address to be live online

Governor John Kitzhaber's address on Saturday morning, Nov. 12, will be seen live at www.osba.org beginning at 8:45 a.m., and video will be posted later in the day. The Governor will share information on his vision for the future of Oregon's public education system and the work, to-date, of the Oregon Education Investment Board.

This year's convention is packed with opportunities to gain insight and knowledge on technology and education. Visit the "schedule-at-a-glance" online to learn more, www.osba.org/AC.



PERS employers win in recent state Supreme Court ruling

On October 6, 2011, the Oregon Supreme Court issued its decision in *Arken v. City of Portland et al* and *Robinson v. Public Employees Retirement Board*, holding that the Public Employees Retirement Board (PERB) is acting lawfully to correct the retirement benefits received by certain PERS retirees who benefitted from the prior Board's unlawful distribution of 1999 PERS Fund earnings.

Based on the efforts of our legal team, led by Bill Gary and Sharon Rudnick of Harrang Long Gary Rudnick P.C., the Oregon Supreme Court ruled that PERB is entitled to end the overpayments going forward and to recover overpayments that have already been made. The court concluded that it would be a breach of PERB's fiduciary duty to permit some PERS retirees to receive and keep overpayments at the expense of other, current PERS members.

This decision results in direct and substantial savings to all PERS employers, and enables PERB to save or recoup approximately \$800 million – all of which bodes well for the soundness of Oregon's PERS system into the future.

The Court's recent decisions follow the lengthy legislative and subsequent legal battle that first began with the groundbreak-

ing *City of Eugene* case in 2001. That case prompted the PERS reform efforts in 2003. OSBA was a prominent force in those efforts, along with other local government associations. We continue to participate with our fellow associations in financing the litigation because of the substantial impact of PERS costs to district budgets throughout the state, while committed to ensure a fair and sustainable retirement program for district employees.

The OSBA Legal Assistance Trust* contributed over \$865,000 to the Public Employer's Defense Alliance to defend challenges to PERS that would have ultimately cost public employers, including schools, millions of dollars.

*OSBA's **Legal Assistance Trust** assists school districts, ESDs and community colleges with legal expenses in cases of statewide significance to public education. By paying annual dues, members join a pool and are eligible to apply for funds when need arises. Find out more [online](http://www.osba.org) at www.osba.org under Resources/Legal.

ODE clarifies student transfer law

On October 21, the Oregon Department of Education (ODE) released a numbered memorandum, in the form of a frequently asked questions, to help clarify House Bill 3681 and student transfers under this new law. During OSBA's Fall Regional meetings, there have been many questions from school board members and administrators about the implementation of this new law (sometimes referred to as the "open enrollment" bill).

The information provided by ODE is very helpful and we encourage you to take a few moments to review the document; the FAQ can be found [here](#).

If you have any additional questions or need more information about this new law, please contact Legislative and Public Affairs Specialist Morgan Allen at 503-588-2800, 800-568-6722, or mallen@osba.org.

National report outlines pre-K improvements

A new report by a national policy institute urges decisive steps to expand and improve public education for 3- and 4-year-olds. The report echoes much of the thinking behind Gov. Kitzhaber's education-reform agenda and OSBA's goal of strengthening pre-kindergarten programs in public schools.

The report by the Pew Center on the States draws on 50 years of research and on 10 years of work by the center to improve pre-kindergarten programs. It contends that current elementary schools spend too much time teaching skills that should have been taught before their pupils entered kindergarten. As a result, the report says, many

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PRESIDENT'S POST

Addressing concerns as the OEIB plan takes shape



David Beeson
OSBA president

By now education leaders across Oregon have digested the 2011 reform initiatives embodied in SB 909 and the Oregon Education Investment Board (OEIB) plan, and most are aware that both the details and the implementation of the reform

package are on a fast – very fast – track.

While I agree that there is much to be happy and excited about with the reforms, there are also some troubling aspects that need attention, and OSBA must lead in addressing these concerns.

One of my largest concerns is that the governor will now be the state superintendent of public education. This is a fine idea, so long as we have a governor who cherishes the values embodied in a broad and classical education for our citizens. It is this classical approach – including emphasis on arts, music and literature – that, in the minds of many, has been the basis for our incredible creativity and ingenuity as a people.

But what happens if a governor is elected who is not a friend of public education, or the traditional values embodied in it? I think the OEIB plan creates a fundamentally new dynamic surrounding future elections. The prize now is not only the office of governor, but control of Oregon public schools. This may well energize the electorate to assure the future election of governors who are public education friendly – but as we wrestle with the details of implementing such broad reforms, we should try and safeguard against the possibility of electing a governor who is hostile to public education. We have already seen this happen in other states – and the ensuing attempts to privatize, for example, have generated upheaval and chaos in a realm that craves stability.

Another troubling aspect of the OEIB plan, in my view, is how local districts will be held accountable for meeting the mandated benchmarks for student achievement.

The current discussion sets high achievement goals and short time lines. How the state would deal with districts not meeting these expectations is unclear. Some form of sanction is inevitable. Could districts not

meeting these expectations eventually lose local control, culminating in a complete takeover by the state (as has happened in some states)?

Under the OEIB plan, the expectations for achievement are significant. The emphasis is heavily on the responsibility of teachers and school boards. This seems, however, to largely ignore the difficulties in educating children who are not, for a variety of reasons, ready to be educated.

Poverty, hunger, broken homes, poor parenting, chronic illness, learning disability, mobility, homelessness – all are factors that make it extremely difficult, sometimes impossible, for public schools to meet student achievement goals. This is not an excuse; it is the hard reality of our time. And these negative factors are increasing as economies falter, and wealth is concentrated in fewer hands. The reality is that each school district, each community, faces a unique mix of challenges. Some bear a much heavier burden in dealing with these difficult barriers to student achievement than others.

We need to question how state control of local schools would improve student achievement. The challenges to learning and achievement faced by communities will not simply evaporate under state management. How is the state better equipped than local leaders to address these problems? Our experience with the punitive aspects of the current assessment markers (NCLB) shows that threatening an eventual loss of control does little to provide incentives and improve education.

These are just two of the issues that beg for wide and deep consideration as we move forward with a well-intentioned, but highly idealistic, business community-driven reform of Oregon public education. The goals are admirable, but the potential downsides demand our attention. OSBA must continue to question, and to lead, for the sake of our most cherished values in education and as champions of locally-elected governance, in this critical and formative conversation.

Sincerely,

David Beeson, 2011 OSBA president

SB 909 (OEIB) work group report

By Beth Gerot, OSBA past president

With the clock ticking on a December 15 deadline to report back to the Legislature, the Senate Bill 909 Work Group (the not-yet-confirmed Oregon Education Investment Board) got right to work in their first meetings.

The Legislature charged this group with four deliverables:

- To complete a longitudinal database plan, with a first phase implementable by June 30, 2012
- To work with the Early Learning Council on the early childhood services plan, also to be implementable by June 30 next year
- To define the job and complete recruitment of a Chief Education Officer, and
- To address issues of governance.

At the first meeting, Sept. 30, work group members received background information, including an analysis of how sources of education funding are currently expended per learner across learner groups, an update on the effort to get a waiver from No Child Left Behind, and a presentation from LearnWorks.

On Oct. 10, the work group heard testimony about outcomes and measures of progress for community colleges and universities. OSBA and COSA will propose outcomes for which K-12 should be accountable and the measures of those outcomes at the October 26 meeting in Salem. Additionally, the group will further develop the framework and models for outcomes-based investment strategies begun by the LearnWorks project and enhanced by input from various stakeholders.

Governor Kitzhaber said he hoped to have “achievement compacts” – short agreements between the OEIB and every educational provider, including school districts – in place for the 2012-13 school year. Those compacts would outline the key outcome measures for K-12 as they receive state funding. This timeline, while

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KEEPING YOU IN THE LOOP

Coalitions & connections strengthen OSBA



Kevin McCann
OSBA executive
director

Regional meetings wrap up Nov. 1

This year Tricia Yates, OSBA associate executive director, Legislative and Public Affairs, and I will have logged over 3,000 miles to attend 16 regional meetings and met with over 500 school board members. Beth Gerot (OSBA past president) and our legislative specialists, Morgan Allen and Lori Sattenspiel, have attended most of these meetings as well. The updates on new legislation and the activities surrounding SB 909 implementation (OEIB) have been well received and discussion has been lively.

In our travels across the state we met with legislators and news media whenever possible. In Hood River, Rep. Mark Johnson attended the regional meeting; in Pendleton we met with Sen. Dave Nelson; in Ontario, with Rep. Cliff Bentz; in Bend we had a chance to sit down with Rep. Jason Conger. Making connections with these legislators provides insight into their thoughts about OEIB, the budget and what they believe will help schools.

OSBA and COSA align advocacy positions

In early October, the OSBA legislative team and I met with our counterparts at the Confederation of Oregon School Administrators, Craig Hawkins and Chuck Bennett, to discuss the legislative positions of our respective associations. Aside from the budget, it is not anticipated that big substantive issues will be tackled in the February legislative session, so the time to push for significant legislation will be the 2013 Legislative Session.

OCCA adopts board resolution regarding OEIB

On October 7, Beth Gerot and I participated in the Oregon Community College Association's board meeting to discuss the Oregon Education Investment Board and how the two associations can work together to influence the work of OEIB.

The OCCA board adopted the same reso-

lution the OSBA board passed at the September board meeting, stating, "We resolve to participate in a meaningful way in a conversation about creating a learner centered, outcomes-based education system in Oregon and to share our conversation with the Oregon Education Investment Board, legislators and others."

Mentors help new administrators

Last week, in the building here at OSBA, the Confederation of Oregon School Administrators held training sessions for first-year superintendents and their mentors in the Oregon Collaborative Administrator Mentoring Project. Funded by ODE, OCAMP works with first-year principals and superintendents to provide professional

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OEIB report – *Continued from page 2*

short, meshes with Oregon's goal of earning a federal waiver so that 2011-12 is the final year Oregon schools fall under NCLB. The first year of the achievement compacts would establish the foundational data on the measures. In later years, the compacts would add negotiated progress goals.

The governor envisions these compacts as between the state board and locally-elected school district boards. That could increase, rather than diminish, the role of local school boards.

The SB 909 Work Group has an incredible amount of work to do in a very short period of time. As board members, it is vitally important that we stay engaged in the process and give our best thinking to guide decisions.

OSBA is developing a frequently asked questions fact sheet for board members based on questions and concerns that have surfaced. You can also follow the work of the SB 909 Work Group *online* at www.tinyurl.com/OregonEIB.

BEST PRACTICES: *Limiting liability*

Winter weather and property losses

Before winter temperatures set in, ask the following questions and be prepared. Making sure that everything is in shape now will reduce costs for repairs and property damage claims.

- **Is the heating system up and running properly?**
- **Are pipes well insulated?** Make sure ends join tightly and joints are wrapped and taped. Heated cables or tapes that heat pipes should be professionally installed.
- **Are all buildings inspected regularly?** Maintain an inspection schedule for facilities especially when buildings are not occupied.
- **Have hidden problem spots been checked?** Look for pipes that may not be properly insulated, windows, doors or other openings that are not secure.
- **Do you know where to find the shutoff valves?** Make sure staff knows where to shut off water in an emergency.
- **Are flow alarms installed?** Alarms that sound when flow exceeds normal levels alert staff.
- **Do you have backup power and heat in the event of a power outage?** Make sure generators are working correctly.

Use only Fire Marshal approved alternative heat sources.

- **Do thermostats need new batteries?**

Replace batteries and set minimum temperatures at 55 degrees or more.



PACE has created two simple-to-use checklists to help our members prepare before cold weather and storms strike. Contact PACE

risk management for copies and for more information: losscontrol@sdao.com.

It is important to inspect buildings regularly for any signs of damage. Having a routine monthly facilities maintenance plan and a checklist will help spot trouble when it occurs.

Water pipes and steam pipes should be examined regularly. When freezing temperatures hit, check temperatures in buildings at least twice a day. If power goes out and pipes freeze, pipes and valves can be damaged. Turn on faucets to check pressure and flow, and walk the building to detect any leaks as soon as possible.

WATER is the biggest cause of building damage. A complete inspection should be made immediately following storms to

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Pre-K report – from page 1

school systems miss the opportunity to teach higher level skills that students will need to compete in a global economy.

On the flip side, the report notes that students who attend high-quality pre-K programs have higher test scores throughout their schooling, need less remediation and graduate from high school at a higher rate than those who don't.

Still, the report says only three states and the District of Columbia offer pre-kindergarten for all 4-year-olds. Only 40 percent of 4-year-olds and 15 percent of 3-year-olds were enrolled in public early education programs in 2010.

The report urges specific steps to broaden and strengthen public education for pre-kindergarten children, including:

- Build the educational capacity of organizations, including day care providers, that already serve pre-kindergarteners.
- Incorporate early learning principles such as social-emotional skills into the standards and accountability measures for all grades.
- Revise training and standards for teachers and administrators to include early learning principles and expertise in child development.
- Establish consistent standards and goals across all systems, including those that provide early childhood education.
- Improve coordination between Head Start programs and the states in which they operate.

The report is titled “Transforming Public Education: Pathway to a Pre-K-12 Future.” It is available in the initiatives section at www.pewcenteronthestates.org.

Seismic upgrades part of Cool Schools goals

Sixty percent of public school buildings in Oregon are more than 50 years old. Eighty percent predate concerns about energy costs and efficiency; over 90 percent were constructed before the state adopted seismic building codes in the 1990s.

A statewide assessment of seismic risk conducted by the Oregon Department of Geology and Mineral Industries found almost half of the school buildings rate “high” or “very high” for risk of collapse in a strong earthquake. And most of the state sits on the Cascadia Subduction Zone – which means it is only a matter of time before we have a major earthquake.

The 2011 Legislature passed HB 2960, the Cool Schools bill, to focus on efficiency upgrades in schools. The goal is to save schools money, create jobs and reduce dependence on fossil fuels. The Cool Schools bill was expanded to include seismic upgrades as well.

Integrating seismic and safety upgrades with energy efficiency makes sense both

In the loop – from page 3

development and each new superintendent or principal is paired with a veteran “coach” to see them through their first year on the job.

Veteran superintendent (retired) and OCAMP mentor, Jerry Colonna, says, “OCAMP is a tremendous professional growth opportunity for new principals and superintendents that will pay tremendous dividends for their future effectiveness. I wish I could have taken part in this program when I started out as a superintendent.”

in terms of policy and financial investment. The Cool Schools vision applies future “avoided costs” through energy savings to pay loans for upgrades. Correcting structural deficiencies that make buildings unsafe in an earthquake protects the investment and our students.

For more information, read “*Cascadia’s Seismic Certainty: Putting Earthquakes on the Green School Agenda*,” by Rep. Jules Bailey and Edward Wolf, in the fall 2011 edition of *TrimTab*, the journal of the Cascadia Green Building Council. (cascadiagbc.org/trimtab)

Winter weather – from page 3

identify problems. Check roofs, ceilings, gutters, inside and outside walls, downspouts and foundations.

Check ROOFS for:

- Moss
- Pooled water
- Damage to shingles
- Overgrown vegetation, trees touching roof

Examine FOUNDATIONS for:

- Ground shifts
- Water damage or leaks
- Overgrown vegetation

Inspect GUTTERS & DOWNSPOUTS for:

- Leaking connections
- Escaping water
- Debris and obstructed flow
- Water drains away from buildings

Watch CEILINGS & WALLS for:

- Stained drywall or ceiling tiles
- Musty smell, mold or mildew
- Bubbles under paint