



the Promise OF OREGON

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THE CHALLENGES AHEAD

Third in a series on looming costs and solutions, focusing this month on sick-time, minimum wage and PE laws.

Sick-time, minimum-wage, PE laws place burden on schools

Three laws passed by state legislators are crimping school budgets this fall and beyond.

Two of the laws – on sick time and minimum wage – are already affecting school budget plans for 2016-17. The third one, mandating minimum hours of physical education (PE) instruction, could require significant hiring, staff reassignment or restructuring of teaching days to meet requirements on PE instructional time.

Here are the laws in a nutshell:

- **Sick time:** Senate Bill 454 passed in 2015, and took effect in January 2016. It requires that employees accrue at least one hour of sick time for every 30 hours worked. It further defines sick time to include care of an employee or family member’s “mental or physical illness, injury or health condition,” the treatment or diagnosis of such an illness, and preventative medical care.
- **Minimum wage:** SB 1532 passed this year, and takes effect July 1. It raises the hourly minimum wage by fixed amounts annually through 2023, but the rate varies depending on where the employer is located. Lowest rates are in rural Oregon, and the highest hourly rates are in the Portland metropolitan area.
- **PE instruction:** House Bill 3141 passed in 2007, but does not take effect until the 2017-18 school year. It requires that all public school students in grades kindergarten through 8 participate in PE for the entire school year. Weekly participation is set at a minimum of 150 minutes in grades K-5 and 225 minutes in grades 6-8.

The sick-time law has created a number of issues for districts as far as tracking hours worked for employees who previously were not eligible for sick time, such as substitutes, crossing guards, community-member coaches and student workers.

The state Bureau of Labor and Industries (BOLI) is reopening rulemaking on the law in June to address certain issues, including substitute teachers. OSBA has previously provided written comments on the rulemaking, which can be found at:

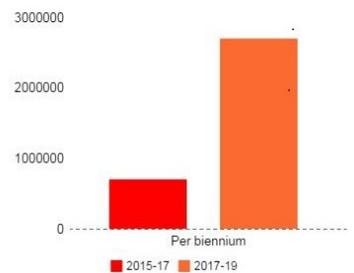
www.osba.org/~media/Files/News/2015_10_30_Sb454Response.pdf

Just as with the sick-time law, the new minimum wage requirements can create a tracking burden for districts, particularly when workers report to various sites that would be governed by different wages based on their location. BOLI has issued draft rules on the law and is accepting public comments.

The state Legislative Fiscal Office has estimated that the minimum wage bill will increase school costs statewide by about \$700,000 in this biennium and between \$2.6 million and \$2.8 million in 2017-19.

Brad Earl, chief operations officer of the Medford School District, said it’s difficult to pinpoint exactly how much individual districts will spend in both implementing the new wage at the entry level and considering raises for those whose salaries are compressed by the new minimum.

Minimum wage costs to schools



“We will be bargaining with our classified workers beginning in January and will attend to the wage compression issue through the bargaining process,” Earl said.

On the PE issue, Earl said Medford would be in compliance with the new law’s instructional minimum times if it were put into effect today, thanks in part to grant funding. But because of budget pressures, particularly from rate increases for the Public Employees Retirement System (PERS), the district is considering cuts to PE and other services.

“We very much run the risk of not complying with the 2017 PE mandate, unless the Legislature can figure out a way to fund it separately,” Earl said.

Jim Green, OSBA's deputy executive director, said the PE legislation's effect was delayed 10 years in hopes of finding funds, but to no avail.

"We all want our students to be healthy and active, but if legislators are going to mandate minimal instructional hours in PE they need to pay for all the costs associated with it – the additional teachers, facilities and equipment," he said.

Green said OSBA would work with the Legislature in 2017 to either fully fund the PE requirements or give schools flexibility in complying.

In February 2015, the Oregon Department of Education (ODE) prepared a report on the status of student participation in PE, and the availability of exercise facilities. The 2007 PE law requires such reports every two years, and 2015 findings based on data from school districts statewide included:

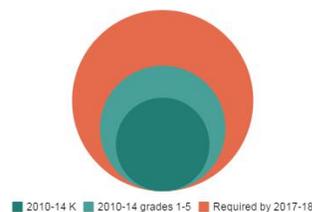
- Kindergarteners averaged 40 minutes of PE instruction a week between 2010 and 2014. Grades 1 through 5 averaged 72 minutes weekly during the same period, and grades 6-8 averaged 148 minutes weekly.
- Based on the figures above, kindergartners would have to nearly quadruple, and grades 1-5 would have to more than double their PE participation to meet the law's requirements. Grades 6-8 would need to increase participation times by about 50 percent.
- Statewide, only 102 schools in grades K-8 would meet the requirements of the new law if it were in effect today. That's just under 10 percent of the 1,035 Oregon K-8 schools that provided data for 2013-14.
- In 2013-14, some 24,631 students in grades K-8 did not receive any PE instruction, or about 6.3 percent of all students reported.
- Eighty school districts reported needing 296 new facilities to meet the law's requirements.

The ODE report concluded that "one of the roadblocks for school districts in reaching the minute requirements outlined in HB 3141 is the lack of physical education facilities."



Legislation passed in 2007 will require that students spend weekly minimum times on physical education by 2017-18.

Oregon's weekly PE instruction in grades K-5 (in minutes)



Oregon's weekly PE instruction in grades 6-8 (in minutes)



Resources

- The OSBA website has a frequently asked questions page on the sick-time law at www.osba.org/Resources/Article/Employee_Management/SB_454_Paid_Sick_Time_Law.aspx
- The OSBA website has a frequently asked questions page on the minimum-wage law at www.osba.org/~media/Files/Resources/Legislative/Minimum%20wage%20FAQ%20Final.pdf
- The full ODE report on PE participation and facilities in Oregon can be found at www.ode.state.or.us/teachlearn/subjects/pe/final-2013-14-pe-legislative-report.pdf

In the Loop

Study statewide issues carefully

Serving as a board member involves a great deal of information-gathering and decision-making. Whether you are a relatively new board member or one with many years under your belt, you are faced with competing data, interests, values, beliefs and ultimately the responsibility for weighing all of them to make a decision in the best interest of all of your district's students. Most of the issues you consider are local ones.

Not only do you need to weigh in on local educational issues, as you expect to, but at this time of year you receive requests to take a position on state and national issues and proposals. Your status as a locally elected leader puts you in a position where your statements, your views, and your endorsement of positions and proposals carry a great deal of weight.

The OSBA Board of Directors will take positions on proposed Oregon ballot initiatives in June, after signatures have been gathered and the petitions have qualified for the ballot. As your statewide voice and representation it is

appropriate that we do so. As a local board and board member you may choose to not take positions on statewide and national issues where they may be divisive for your community and are not decisions under your control, or you may choose to endorse proposals. It is up to you.



Betsy Miller-Jones
Executive Director

Primary questions to ask when looking at new legislation of any kind, including ballot initiatives are:

- Does this proposal maintain or enhance local control and decision-making by local school boards, or does it constrain boards in their decisions now or in the future?
- Does this proposal mandate actions by your district that will take resources away from currently successful programs?
- What is the funding source and will it grow with the proposal's service needs over time? Does the funding take away from currently funded services, educational or otherwise?
- What are the long-term consequences of this proposal on public education, social services, jobs and other state issues that impact all of us?
- What does the data say about the efficacy of this proposal and its impact on public education?
- Take a look at the range of districts and schools in Oregon – does the proposal work for all, or some better than others? How does it impact your district? Remember that the impact on other districts can come back to impact funding, constraints and requirements for your district in the future.

Boards may choose to discuss and vote to take positions on statewide issues, but it is not required to take positions. If you choose to weigh in on proposals as an individual board member, be sure to state that you are not representing your board or district but are only speaking as an individual. It is always best to carefully consider both sides of any argument and be familiar with the opposition. That way you are not surprised by facts or opinions you were unaware of after you have publicly taken a position.

Oregon Rising outreach campaign takes wing April 12

Oregon Rising, a public outreach campaign by OSBA and two partner organizations, was officially launched April 12. The website is <http://oregon-rising.org>.

The campaign asks Oregonians to engage locally to answer a fundamental statewide question: What do we want Oregon schools to be for our children and grandchildren?

School board members, administrators and teachers across the state are holding Oregon Rising gatherings in their communities. Between now and early June, Oregon

Rising intends to hold at least one public session in the majority of the state's school districts.

Joining OSBA in the effort are the Confederation of Oregon School Administrators (COSA) and the Oregon Education Association (OEA). This marks the first time the three groups have joined on a task of this scale: to engage Oregonians in a conversation about what is best for students – without the burden of funding solutions.

"We've become so accustomed to living within the borders of budgets, which in all fairness is the only way to be fiscally respectful and responsible, that it's become too easy to disregard opportunities our students might be given on the premise that we can't afford it," says OSBA Executive Director Betsy Miller-Jones. "Oregon Rising deliberately leaves the money talk at the door and asks what do we want? Let's dream."



The first round of gatherings and surveys will wrap up in June. By then, it's expected that hundreds of meetings will have been held across the state, with representation from all counties.

The stated goal of 10,000 voices seemed lofty at first. But even before the launch, more than 1,000 people were following Oregon Rising on Facebook (that count now stands at over 1,800), and several hundred had taken the survey in pilot gatherings and online.

To allow for full participation, the effort has a parallel online component as well, with the videos and survey posted at <http://oregon-rising.org>.

All materials are also available in Spanish.

New Promise Scholarship Program deadline looms

The application deadline of May 1 is approaching quickly for a new pilot program that will reward board development actions with scholarship funds for students.

Under the Promise Scholarship Program, nine boards selected by OSBA from among applicants can receive \$5,000 each in student scholarship funds by completing a five-step process that includes a board project, superintendent and board self-evaluations, participation in "The Promise of Oregon" campaign, and individual board member development (or a second board project).

A complete description of the program, its requirements and an application can be found at www.osba.org/Resources/Article/Board_Operations/Promise_Scholarship_Program.aspx.

Eligible boards include those from Oregon school districts, charter schools with high school programs, community colleges and education service districts.



Program requirements must be completed by Dec. 15, 2016, and scholarship funds will

be released in January 2017. Selected boards will be responsible for awarding student scholarships.

PACE Day: Safe and Secure Schools welcomes record attendance

Overall attendance at the fourth annual *PACE Day: Safe and Secure Schools* conference hit 280, setting a record high.

The event was held April 21 at the Hilton Eugene, offering attendees valuable information about the current school safety climate and the opportunity to network with other professionals.

The day was designed to serve members of the Property and Casualty Coverage for Education (PACE) insurance pool by providing support, resources and motivation to pinpoint and eliminate potential school safety issues. This year's topics ranged from cyberbullying to transgender issues to marijuana legalization to conducting effective investigations.



Social media and cyberbullying

Charles Leitch, founding principal of Patterson Buchanan Forbes & Leitch, Inc. warned attendees of the very real cyberbullying issues schools and students face.

"Anything can go viral," Leitch said.

It is essential for districts to have a clear technology policy in place to ensure student and staff safety. To receive E-Rate benefits, the policy must include a mandate about "... educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response" (www.e-ratepa.org/PDFs/CIPA.pdf).

Transgender issues in schools

"As education professionals, you have the responsibility to ensure a safe and supportive environment for students to learn," said Jollee Patterson, general counsel for Portland Public Schools. She discussed the many definitions surrounding the issue, provided insight into current laws and talked about dorms, overnight trips

and athletics; her materials can be found on the PACE website (<http://pace.osba.org/Calendar/Events/2016-04-21-PACEDay.aspx?page=materials>).

Marijuana legalization

Amanda Borup, policy analyst at the Oregon Liquor Control Commission (OLCC), discussed state regulations surrounding marijuana. The OLCC is taking action to ensure marijuana products do not look like other products (example: candy) and to regulate advertising to channels where minors make up no more than 30 percent of the audience. For FAQs and regulations, visit the OLCC website (www.marijuana.oregon.gov) or call (503) 872-6366.



Jollee Patterson, PPS, addresses transgender issues at PACE Day.

Kathleen Sullivan, general counsel for the Colorado Association of School Boards, talked about the issues Colorado schools have faced since marijuana was legalized there. Disciplinary action is important, as Colorado has seen a 40 percent increase in drug-related suspensions and expulsions since marijuana's legalization.

Marilee Scarborough, general counsel for Vancouver Public Schools (Washington) gave straightforward suggestions for communicating about marijuana in schools. Although recreational marijuana has been legalized in Oregon, schools remain drug- and alcohol-free spaces. This means schools must make some simple updates to their drug policies and procedures to specifically add "marijuana," saying that marijuana is prohibited on campus.

Conducting effective investigations

Karen Vickers of Mersereau Shannon, LLP walked attendees through the investigation process. How can districts know if the complaint is valid and worth pursuing legally? Vickers' guidelines and OSBA sample policies are available on the PACE website (<http://pace.osba.org/Calendar/Events/2016-04-21-PACEDay.aspx?page=materials>).

PACE Awards recognize two programs, three people for safety efforts

Two programs and three individuals were recognized April 21 during PACE Awards presentations. Phil Wentz, chairman of the PACE Board of Trustees, presented the awards during the *PACE Day: Safe and Secure Schools* event at the Hilton Eugene.

The awards highlight significant contributions made in 2015 to the Property and Casualty Coverage for Education (PACE) program. PACE (pace.osba.org) is an insurance pool made up of nearly 300 Oregon member school



districts, charter schools, education service districts (ESDs) and community colleges.

The outstanding programs recognized

were the Tillamook Bay Community College's Safety Committee and the Baker School District.

The Tillamook Bay committee was noted for evaluating and improving all college safety efforts after the Oct. 1 shooting at Umpqua Community College. Baker was lauded for a districtwide security upgrade that includes an advanced lockdown system and rapid law enforcement response in the event of an emergency.

The outstanding individual recipients of a PACE Award were Claudia Meeks, transportation dispatcher and safety officer with the Port Orford/Langlois School District, and Superintendent Dave Novotney of the Willamette Education Service District (ESD).

Meeks was commended for constantly monitoring weather conditions to ensure student safety, and for spearheading a district Safe Haven Project, which is dedicated to evacuating students to high ground in the event of a tsunami.

Novotney serves on the Oregon Task Force on School Safety, which is working to develop a statewide school threat assessment system. Besides spearheading those efforts, he has also led regional collaboration on promoting school safety and stressed security improvements at the ESD's sites.

Also honored with the PACE Special Service Award was Leland Bliss, director of operations for the Sisters School District. In September, when students from Eugene were involved in a tragic vehicle accident near Sisters, Bliss arranged for Sisters SD staff to provide assistance to athletes on a damaged Eugene SD bus, and a Sisters school bus transported them back home to Eugene.

Promise update: Districts and ESD share stories of dreaming bigger

Three school districts, as well as the High Desert Education Service District (ESD), are showing schools across Oregon how they are dreaming bigger by highlighting their efforts in a Promise Program tablet template (<http://promiseoregon.org/tablet-template>).

In words and photos, the ESD and the Reynolds, Jefferson and Tigard-Tualatin school districts are demonstrating how they are boosting student achievement.

The STAR Student Technology Apprenticeships at Reynolds High are helping students "re-commit to their studies while providing real-life work experience and on-the-job training." Jefferson is featuring "projects, performances, school-supported activities and athletics, and community-supported activities" during a one-night celebration each April.

Tigard-Tualatin is serving more than 600 students in business, career and technical education, and is raising student achievement by arming students "with employment skills for today's needed workforce." The High Desert ESD demonstrates how it is serving 33,000 students and boosting student achievement by "aligning community resources and organizations with schools to maximize positive impact on students."

Kaye Jones, a Jefferson School Board member (and member of the OSBA Board of Directors) said she asked teachers to fill out the template in part "because I really want to affect our legislators."

"I want them to know we do really good things with what they give us, and we wish they would give us more," Jones said.

Through the remainder of this year and into 2017, the Promise campaign will be collecting such examples of how public schools are changing students' lives, and how by dreaming bigger we can ensure that Oregon students reach their full potential. These examples will be shared with Oregon legislators and other education leaders.

Won't you share your own example of a Promise Program today? Get started at: <http://promiseoregon.org/tablet-template>. You can also see copies of Reynolds' tablet (<http://promiseoregon.org/wp-content/uploads/2014/09/Reynolds-HS-Tablet.png>), Jefferson's tablet (<http://promiseoregon.org/wp-content/uploads/2014/09/Jefferson-HS-Tablet.png>), Tigard-Tualatin's tablet (<http://promiseoregon.org/wp-content/uploads/2014/09/TTSD-Tablet.png>) or the High



Receiving awards at PACE Day are:
 Top left: Tillamook Bay Community College's Safety Committee
 Top right: Claudia Meeks, Port Orford/Langlois School District
 Bottom left: Brian Florip, accepting on behalf of Supt. Dave Novotney, Willamette ESD
 Bottom right: Leland Bliss, Sisters School District

Desert ESD's tablet (<http://promiseoregon.org/wp-content/uploads/2014/09/HDESD-Tablet.png>).

Another example of how schools are dreaming bigger can be seen in a new Promise video featuring the Baker Technical Institute. It debuted April 5.

The Baker School District opened the institute in August 2014. It includes career pathways in construction, industrial and engineering systems, health services and agriculture. In addition to its offerings in career and technical education (CTE), the institute emphasizes science and math skills.

The institute was founded on the dual premise of preparing students for the workforce and creating economic development in a small community.

The video can be seen on the Promise website at www.promiseoregon.org.

The Baker City video is one of four planned 2016 videos showcasing cutting-edge programs – science, technology, engineering and mathematics (STEM), career and technical education (CTE), the arts and more – that support students in reaching their potential.

During its first year, the Promise campaign celebrated the accomplishments of Oregon students and helped galvanize support for increased funding for public schools. Legislators ultimately settled on a State School Fund figure of \$7.4 billion for 2015-17 – up \$850 million from the last biennium.



Registration opens for 'Summer Camp for School Boards'

Registration has opened for "Summer Camp for School Boards" – an opportunity to meet with school board members statewide July 15-17 at OSBA's annual Summer Board Conference. The theme for 2016 is "Creating a Vision for Student Learning."

This is your chance to learn more about the important issues facing Oregon's schools and their leaders in a gorgeous setting, the newly renovated Riverhouse on the Deschutes in Bend. Workshop topics include handling difficult bargaining issues, a systems approach to student achievement, school finance, and an update on legislative issues and ballot initiatives.

Keynote speaker is Kip Motta, a principal and math teacher whose resume includes assistant coaching and scouting positions with the Portland Trail Blazers and three other National Basketball Association teams. Motta will

discuss how school boards can "effect positive change in student learning."

Attend the pre-conference on July 15 and you can learn more about equity conversations, closing the achievement gap and addressing the needs of students in poverty. Once again we will offer a networking reception for conference attendees and a guest at 4 p.m. July 15.

An Administrative Professionals' Workshop will also be held on July 15, including sessions on public meetings and records, labor negotiations and differing communication styles.

Registration materials are at www.osba.org/Calendar/Events/Summer_board_conference-2016.aspx



OSBA plans mailing address change by July 1

Over the next couple of months OSBA will be transitioning to a new mailing address. The new address is 1201 Court St. NE, Suite 400, Salem, OR 97301.

OSBA will discontinue use of its existing P.O. Box about July 1, and in the meantime OSBA is encouraging members to make note of the planned change. OSBA already receives mail at its Court Street address, and correspondence can be sent there now if members wish.

The mailing address change will not affect most correspondence for members of the Property and Casualty Coverage for Education (PACE) insurance pool.

PACE members should continue to use the following addresses for these mailings:

- Risk management, underwriting – P.O. Box 12613, Salem, OR 97309
- Claims – P.O. Box 23879, Tigard, OR 97281

PACE pre-loss legal and administration matters will be transitioning to OSBA's new mailing address, at 1201 Court St. NE, Suite 400, Salem, OR 97301.

Upcoming OSBA Events

Teacher Appreciation Week
May 2-6, 2016

National School Nurse Day
May 11, 2016

2016 NSBA Advocacy Institute
June 12-14, 2016

Summer Board Conference 2016
July 15-17, 2016

2016 NSBA Summer Leadership Seminar
August 11-14, 2016