



School mandate relief bills go to governor

In what may be the only instance of bipartisan education bills passing the Legislature virtually unanimously this session, school mandate relief bills sailed through the House this week.

On separate votes of 58-0 each, the House passed [Senate Bills 560](#) and [800](#), two of the three mandate relief bills generated from OSBA's Mandate Relief Project, which was started last summer. The bills reduce paperwork and eliminate redundant and obsolete laws affecting school districts and the Oregon Department of Education. They were previously passed by the Senate, SB 800 on a 29-1 vote and SB 560 unanimously.

OSBA Associate Executive Director Tricia Yates praised the collaborative work of OSBA's partners in the Mandate Relief Project – ODE, COSA, OEA, OSEA, AFT-Oregon and OAESD – in crafting products that garnered bipartisan consensus. "By

uniting in a coalition for mandate relief, we were successful, for the first time after many previous attempts, at convincing the Legislature to relieve school districts of a significant number of mandates," Yates said. She pledged that the Project would continue its work to seek local fiscal impact statements on legislation affecting schools, as well as to identify additional mandates for repeal in upcoming sessions.

Oregon's mandate relief efforts were recently characterized as unique in a national K-12 newspaper. In the May 11 edition of *Education Week*, Oregon was featured as the only example of a state where some lawmakers are trying to move away from additional curricular mandates, referencing what is SB 800. (Article: "Focus on Curriculum: State Legislators Make Curricular Demands").

The bills now go to Governor Kitzhaber for his consideration.

Capital construction funds for K-12 take one step forward

The 2009 Legislative Assembly referred to voters a resolution that became [Ballot Measure 68](#). Oregon voters approved BM 68 in May 2010 by a two-to-one margin. Among other items, the measure changed Oregon's constitution to allow the state of Oregon to issue general obligation bonds for K-12 capital construction projects in local school districts for the first time in our state's history.

[Senate Bill 18](#) is the next step in keeping faith with the voters of Oregon. The bill sets up the framework for the Oregon Treasury, State Board of Education and Oregon Department of Education to distribute state capital construction matching funds when they become available. Although the state is unlikely to issue any of these bonds until the 2013-15 legislative session due to the economic recession, it is important for this enabling legislation to be in place to expedite distribution when the state is able to take on additional bonding debt.

There is also another important provision in the bill that allows for an extension of the timeline for Qualified Zone Academy Bonds, which received a boost due to the federal stimulus package. The QZABs can help school districts by helping to subsidize the costs of borrowing for capital projects.

Senate Bill 18 has already been approved by the Senate Education and Workforce Development Committee and received its first hearing Thursday evening in the Ways and Means Subcommittee on Capital Construction. OSBA Legislative and Public Affairs Specialist Morgan Allen (mallen@osba.org) testified in favor of SB 18 noting that school districts across Oregon have significant need to update and build new schools and local communities are more likely to support school construction bonds if they know they can qualify for matching funds from the state.

Residency addressed for special ed students attending charter schools

When the Charter School Law was passed in 1999, students receiving regular educational services who chose to attend out-of-district charter schools were treated as resident students of the school district which sponsors the charter school. But students who are receiving special education services and have an Individualized Education Program (IEP) remained resident students of the school district in which they live. [House Bill 2299](#) would change charter school law so that all students who attend a charter school outside of the school district they live in would become a resident of the school district which sponsors the charter school.

Under residency requirements in the current charter law, approximately 500 out-of-district special education students are treated differently from the other 18,000 students attending charter schools. The practical impact of this distinction means that no one school district is responsible for the student's total education, charter schools must negotiate and coordinate with multiple resident school districts, and resident districts end up overseeing special ed-

ucation programs for students in other districts. This can mean that there are delays in making decisions on the best educational plan for the student.

House Bill 2299 is an attempt to cut out the "middleman" in charter school law and make it very clear to school districts that all charter school students become residents of the sponsoring district. This marks a clear line of responsibility and gives the sponsoring school district and the charter school all of the authority they need to act immediately in the best interests of the student with special education needs. This will avoid needless delays which can occur under current charter law as school districts and charter schools try to sort out interdistrict contracts, payment scenarios and IEP plans. It also means State School Fund monies are sent to the sponsoring school district.

OSBA Legislative and Public Affairs Specialist Morgan Allen testified in favor of the proposed changes. The bill has already passed the House and is expected to receive unanimous support from the Senate Education and General Government Committee next week.

Time is running out for the Legislature to access funds for K-12 from the Education Stability Fund. Contact your legislators now and ask their action!

Ways and Means subcommittee passes PERS-agency budget

The Ways and Means General Government Subcommittee passed the PERS-agency budget this week. The agency, like other state agencies, is being asked to take cuts.

In the hearing, major discussion surrounded the need within the budget for additional staff to meet the implementation of [SB 897](#), which was passed in 2009. It was vetoed by then-Governor Kulongoski but the veto was overturned by the legislature; the bill becomes effective July 1, 2011. With the addition of this legislation, and based on current retiree applications, PERS forecasts a greater drain on resources as more potential retirees will now be able to request their retirement information two years ahead of their targeted retirement date. The process for collecting and verifying this data is time intensive for both PERS and members' em-

ployers, necessitating the need for additional personnel so that this surge in requests does not create a "bottle neck."

In the end, the subcommittee allowed PERS minimal position increases. Executive Director Paul Cleary told the Ways and Means subcommittee that the agency would begin to triage requests, giving priority to applications for "intent to retire" (giving an actual retirement date) over "inquiry" requests (checking a member's retirement data).

The bill was moved to the full Ways and Means Committee and will be voted on by the House next week.

Other areas regarding the PERS-agency budget were also discussed:

- The integration of the new data system is almost complete.

- As one of its key performance measures, the agency will strive to improve customer service to a 95 percent satisfaction rate. PERS bills left awaiting legislative action at this time are: [HB 2113](#), [HB 2114](#), [HB 2456](#), [SB 572](#) and [SB 576](#).

Culinary bill heard

[House Bill 2750](#) was heard this week in the Senate Education and Workforce Development Committee. The bill was brought forward by a community member who has been involved with the South Salem High School culinary program. The culinary team competes at the national level and their success has been impeded by their inability to use alcohol in the cooking process. Other schools throughout the nation are allowed to use alcohol in the culinary process, and have achieved greater success.

The bill is permissive, retaining the local control of a district. It establishes that school districts **may** adopt policies that:

- Specify the circumstances under which alcohol may be used.

- Require adult supervision for alcohol use.
- Require that alcohol be securely stored.
- Require parent/guardian permission for student participation.

The bill was amended in both the House and Senate Education Committees to give greater specificity as to when alcohol may be used in a culinary class, including:

- Alcohol may be used only as an ingredient.
- Alcohol may be used only in cooking competitions, demonstrations and school classes approved by the local school board.
- School boards have broad authority to limit alcohol use in class or competitions.

The bill was approved in committee and moves forward to the Senate for a full vote next week.

Legislative Highlights schedule changes

As the 2011 legislative session winds down, committees finish their work and the Legislature's attention is focused on completing the 2011-13 state budget, OSBA will publish *Legislative Highlights* only as needed to update members on topics important to public education in Oregon.

Until this issue, *Legislative Highlights* has been published, e-mailed, posted online, and upon request, mailed, on Fridays.

Check "[Daily Updates](#)" online in OSBA's Legislative Action Network section at www.osba.org. Action Alerts will be e-mailed to members whenever there is breaking news.

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