

OSBA Legislative Highlights



the Promise
OF OREGON

February 13, 2015

Gov. Kitzhaber announces resignation, effective Feb. 18

Gov. John Kitzhaber announced today that he will resign the office of governor effective 10 a.m. Wednesday, Feb. 18. Secretary of State Kate Brown will be sworn in as Oregon's governor at that time.

The full statement issued by Gov. Kitzhaber can be found here:
<http://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=606>

Senate committees consider kicker law reform

Two Senate committees this week held hearings on modifying Oregon's personal income two-percent kicker law. Oregon's kicker law requires that when general fund revenues exceed estimated amounts by more than two percent, the excess is refunded to personal income taxpayers as a credit on their income tax return.

The Senate Finance and Revenue Committee this week took up [Senate Joint Resolution 14](#), which would modify the kicker law by requiring one-half of the excess be deposited into existing reserve funds and the remaining one-half be returned to personal income tax payers as a tax credit. Currently, the state has two reserve funds in which these moneys could be deposited: the Education Stability Fund and the Oregon Rainy Day Fund. The committee heard information from the Legislative Revenue Office staff that in the current biennium, the personal income kicker is about \$29 million from "kicking" this biennium. If the personal income kicker does kick, it means there are fewer general fund dollars available to pay for all levels of state government, including funds available to the State School Fund (SSF) and other educational programs.

Sen. Mark Hass (D-Beaverton), chair of the committee, stated, "I am interested in continuing the discussions related to the kicker this session and I hope after we hear about the upcoming revenue forecast we can continue this dialogue this session."

The Senate Education Committee this week held a hearing on [Senate Joint Resolution 2](#), a proposal that would re-direct the personal kicker into the SSF to provide additional funding for K-12 public education. An amendment was also presented to the committee that

would have the funds diverted to the Education Stability Fund.

Sen. Rod Monroe (D-Portland), the main sponsor of the measure, told the committee, "I have had several conversations related to this idea and I believe directing these funds to the Education Stability Fund is the right thing to do. That way, in the future when we have an economic downturn we have enough reserve funds to avoid teacher layoffs and increasing our class sizes. This is the prudent and responsible thing to do for the educational system in the state."

Both measures amend the Oregon Constitution and would require a referral to the voters of Oregon to approve these changes. OSBA is supportive of both measures and encourages the Legislature to re-visit the issue of the kicker and refer a measure to the Oregon voters to make those funds available for funding K-12 schools.

No further action is currently scheduled on the measures, but both committees indicated a desire to bring the measures back for additional discussion. Contact Jim Green (jgreen@osba.org) for more information.

Expedited bargaining bill heard in House committee

The House Business and Labor Committee held a Feb. 13 hearing on [House Bill 2544](#), which would reduce the required period of expedited bargaining from 90 days to 60 days and add a binding arbitration clause.

HB 2544 as written would change ORS 243.698. Under the bill, if the parties fail to reach an agreement through bargaining or mediation, upon expiration of the 60-day period, the matter shall be submitted to the Employment Relations Board for binding arbitration as provided by ORS 243.742 and 243.746, and the employees in the bargaining unit subject to the binding arbitration may not strike.

For school districts, expedited bargaining is a tool that is not often used, since most employment relations issues are contained in a collective bargaining agreement. In order for a district to go through this process, it must first notify the union in writing of any anticipated changes that create a duty to bargain. Within 14 calendar days after the notification, if a demand to bargain is not filed, then the school district may implement the proposed changes without further obligations to bargain. If the union responds indicating it wishes to negotiate, the parties then enter into negotiations, with the district able to implement

changes at the end of 90 days. Currently in statute, there is a mechanism for both parties to agree to mediation, but there is no requirement to participate in binding arbitration.

OSBA Legislative Specialist Lori Sattenspiel testified in opposition to HB 2544. “For a school district, this bill is a solution in search of a problem. While schools use the expedited bargaining process carefully, it is a necessary tool. While most collective bargaining agreements are pretty comprehensive, there are occasional issues or unforeseen fiscal changes not covered by the collective bargaining agreement which can be resolved through the expedited bargaining process,” Sattenspiel said.

Sattenspiel added that, “locally elected school board members are accountable for use of public tax dollars spent in their school districts. To take these important decisions from the hands of districts and put them into the hands of arbitrators is a bad idea.”

Testing, assessment and Smarter Balanced dominate week’s discussion

Standardized tests. Assessments. OAKS. Smarter Balanced. Using tests to rank schools and evaluate teachers. Parental opt-out. Stress. Pressure. Over-testing. These were just a few of the topics of discussion this week in both the Senate Education Committee and the House Education Committee. Both committees heard extensive testimony and debate about the use of standardized tests in our public schools. Among the highlights:

- Chief Education Officer Nancy Golden released the recommendations of a work group of teachers and testing experts called together by Governor Kitzhaber and the Oregon Education Association, and convened by Dr. Golden. The report, titled “A New Path for Oregon: System of Assessment to Empower Meaningful Student Learning,” stopped short of calling for a moratorium on the use of Smarter Balanced assessments. The workgroup did recommend holding off on using test results to evaluate teachers and administrators or rank schools next year. Another key recommendation was the adoption of a “Students’ Assessment Bill of Rights” to ensure that students are given information about the purpose of statewide assessments. Dr. Golden told Oregon Public Broadcasting news that “...it’s absolutely right on that students should know and understand the purpose of assessment...(and) what it means to get a score...” View copies of the workgroup report (<http://bit.ly/1zdu2PX>) and the recommendations (<http://bit.ly/1zSXG0u>).
- Dr. Yong Zhao, a University of Oregon education professor and internationally known scholar and critic of using standardized tests as the primary measure of students and schools, spoke to the Senate Education Committee on Feb. 10. He

shared his concerns that intensive focus on standardized testing in reading and math is stifling the creativity and entrepreneurial spirit of public school students. Dr. Zhao believes that America’s competitive edge has been our combination of traditional academic subjects and extracurricular activities that encourage students to explore their own areas of interest. He also shared compelling data about how countries that score higher than the U.S. on standardized tests are concerned that their students are not competitive in the global marketplace.

- Deputy Superintendent of Public Instruction Rob Saxton gave both committees an overview of summative testing in Oregon and information about the transition to Smarter Balanced. View a copy of his presentation (<http://bit.ly/173Aj9i>).
- The House Education Committee heard testimony on a slate of testing-related bills, including [House Bill 2714](#), which would allow parents to opt their students out of taking Smarter Balanced for any reason. Other bills discussed include:
 - [HB 2655](#): Directs State Board of Education to adopt specified standards related to student education records.
 - [HB 2680](#): Prohibits use of results of statewide summative assessment developed by state-led consortium to establish summative ratings of schools or to make summative evaluations of teachers or administrators.
 - [HB 2713](#): Directs Department of Education to conduct evaluation of use of standardized tests in public schools in this state.
 - [HB 2715](#): Prohibits school district employee or volunteer from posting, publishing or making publicly available personally identifiable information in relation to results of performance-based assessment.

Expect more bills and debate over the role of Smarter Balanced and standardized tests in the coming weeks. Contact Morgan Allen (mallen@osba.org) for more information.



Feb. 23, 2015

OSBA/COSA JOINT

LEGISLATIVE DAY

Register online: <http://bit.ly/15dNt2s>
(Make your legislative appts. for after 11 a.m. on 2/23/15)