

# LEGISLATIVE OBJECTIVES

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# PREAMBLE

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The Oregon Education Association supports public policy decisions that protect students and public education. Because OEA represents all categories of school district, ESD, and community college employees, the interests of the membership are varied. OEA focuses its legislative objectives on areas of common interest to its members, ever mindful of the need to protect and advocate for students and education.

OEA's public policy positions are based on five criteria:

- ❖ Ensuring children's health and safety by support of safe schools and healthy learning environments;
- ❖ Strengthening public education through support of adequate and stable school funding;
- ❖ Maximizing student learning by providing for professional development, classroom technology, and support of Oregon's community college system;
- ❖ Respecting school employees, including collective bargaining rights, ensuring an adequate retirement system, and involving educators in decision-making processes.
- ❖ Maintaining a strong educator voice in public policy.

All legislative and electoral proposals must "measure up" to these criteria in order to be supported by the Association. On the following pages are the primary policy concerns of OEA as they relate to these criteria.

# PROTECTING STUDENTS' HEALTH AND SAFETY

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## SPECIAL PROGRAMS:

### *BACKGROUND:*

Many special education programs have become victims of the cost-cutting process or have been included in the regular school curriculum. Funding for federally designated special programs has historically been provided at a fraction of the actual cost to states of running these programs. Special Programs under this section include special education, migrant education, English language acquisition, state-run institutions (i.e. Juvenile Detention Education Programs, Youth Corrections Education Program, Oregon School for the Deaf, etc.), early childhood, and unhoused students.

OEA believes that maintenance of, and, in some situations, extension of programs serving students' special needs is a top priority of the Association.

### *RECOMMENDATIONS:*

1. **Equitable Funding** Prioritize equitable funding distribution for special programs within the funding formula and adequately support mandated state or federally required programs including special staff and service providers. Advocate for robust student access to special programs that address their unique needs due to disability, home language, or other recognized support needs.
2. **Program Advocacy** Promote the hiring of qualified, licensed staff serving students in special programs. Provide adequate support for the unique needs of these programs including staffing, professional development, program facilities, and access to medical professionals.
3. **Comprehensive supports** Advocate for robust student access to special programs that address their unique needs due to disability, home language, or other recognized support needs. Promote guidelines using multiple measures of student proficiency for entry and exit of Federal programs, such as English language proficiency or Special Education.

## COMBATING INSTITUTIONALIZED RACISM, DISCRIMINATION, AND OPPRESSION:

### *BACKGROUND:*

Racism, sexism, homophobia, ableism, heterosexism, and all other forms of oppression and discrimination are harmful to the health and safety of children. OEA is committed to dismantling these harms to our students, staff, and communities. Advancing social justice and equity in Oregon schools is one of OEA's highest priorities.

Means to end these practices are varied and include coalescing with allies, pursuing legislative remedies, carefully monitoring executive agencies, using the collective bargaining process, engaging in litigation, and ensuring that our education system features high quality, culturally competent, and inclusive, intersectional representation. Recent legislative efforts have worked to curb and respond to bullying of students by their peers. Additionally, OEA has supported efforts to enhance the educational opportunities of Oregon's increasingly diverse student populations with the successful push to add Ethnic Studies to the Social Studies Standards and to create and implement a Native American curriculum.

## **RECOMMENDATIONS:**

1. Support development of non-discriminatory curriculum—curriculum offerings that present fair, accurate, and unbiased information about the characteristics and accomplishments of all underrepresented communities including the seven federally recognized classes, which are race, color, religion, differing ability, sexual orientation, gender identity, national origin, and age.

Additionally, curriculum should recognize the presence and influence of women throughout history and correct the marginalization of women and girls in the curriculum. Educate all students in full equality and opportunity, embracing underrepresented communities.

2. Support Oregon’s guidelines for eliminating discriminatory materials in textbooks. Also advocate for replacing textbooks or other teaching materials not consistent with such guidelines.
3. Support programs and services that will eliminate the opportunity gap for students of color.
4. Support policy that seeks to create a safe, affirming, and welcoming environment for LGBTQ+ students, staff, faculty and community members in our schools and in our communities.
5. Support efforts to ensure safe, fair, and free access to legal representation and proper state identification for all our immigrant students, families, and their community.
6. OEA supports efforts to honor indigenous people in meaningful ways, which may include closure of schools on the state Indigenous Peoples Day holiday in October of each year.

## **ENSURING SAFE AND PRODUCTIVE LEARNING ENVIRONMENTS:**

### **BACKGROUND:**

Effective teaching and student learning can take place only in an environment free of physical danger and fear. Schools should be safe havens for both students and employees. The presence of chronically disruptive students, weapons, drugs, and gangs jeopardizes the quality of learning environments. OEA’s school safety legislation of 2008 and 2009 were enacted to ensure that staff are made aware of the presence of students who have been charged or adjudicated for commission of violent crimes. This confidential notice requirement is designed to enable staff to ensure the safety of the subject student, his or her peers, and the general school community.

### **RECOMMENDATIONS:**

Support laws, rules and policies that:

1. Address the underlying causes of violence and extreme behavior problems seen in schools.
2. Ensure safe working conditions for all students and school personnel, including protection from physical and psychological harm.
3. Support comprehensive plans and funding for school safety, behavioral health resources, and violence prevention activities
4. Increase transparency and information flow across systems involved in the welfare of students

and communities.

## MISCELLANEOUS:

### *RECOMMENDATIONS:*

1. Increase the alternatives available to judges and probation officers who are responsible for supervising juvenile offenders.
2. Review the required steps prior to adjudication with an emphasis on taking into account the public's need to be protected, as well as the due process rights of the juvenile.
3. Increase state financial support for providing a greater range of post-conviction alternatives for early-stage serious offenders.
4. Oppose any initiative petition or legislation that attempts to institute an English-only law in Oregon.
5. Oppose any legislation restricting services to undocumented residents. (OEA supports providing high-quality public educational opportunities for all students in Oregon.)
6. Advocate for other safety-related efforts to protect the school community from such phenomena as poor indoor air quality, school-zone traffic dangers, disease contagion, structural safety, and other health and safety concerns.
7. Advocate for legislation that would require employers to allow employees to use sick leave, vacation time, compensatory time, or other time for parent/guardian school involvement activities or caregiver responsibilities.
8. Support legislation that provides all employees paid leave for all family-leave purposes.
9. Support improvements in school nurse staffing and funding.
10. Support an amendment to state law regarding pupil transportation. The amendment should state that a school district is required to provide transportation for elementary students who attend a Title I school and who reside more than .5 miles from school. The funding shall be the same for all school transportation, 70% - 90% depending on the district.

# STRENGTHENING PUBLIC EDUCATION THROUGH STABLE & ADEQUATE FUNDING

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## SCHOOL FINANCE:

### *BACKGROUND:*

Since 1990, due to voter-passed property tax limitations, the major responsibility for funding Oregon's schools has shifted from the local level to the state. The state's share of funding for schools has increased markedly, from less than 30 percent in the early 1980s to approximately 68 percent in the 2019-2021 biennium.

Once public education became a primarily state-funded system, the Deschutes Co. Circuit Court ruled that the distribution of funds had to be done equitably, so that students across the state would have a roughly equal educational opportunity, controlling for differences in cost and revenue capacity from district to district. The funding formula, nationally regarded for its emphasis on calculating the uncontrollable cost factors through its system of mathematical "weights", has confronted biennial challenges from legislators seeking to direct a larger share to their own districts, from those who see the formula as a means of rewarding or punishing districts, and from groups seeking to convert the distribution method into a categorical spending mandate. OEA and its education allies have systematically opposed all efforts to distort the formula for these ends.

Legislative attention to school funding has focused on investment adequacy through the Quality Education Model, on system stability as measured by a no-cuts-level "current service level" calculation, and of programs to assist districts with their capital expenditures. Meanwhile, unfunded educational policy mandates from both federal and state levels as well as ballot measure enactments put new cost pressures on public education – all without new resources to support them. In 2009, the Oregon Supreme Court found that the state had systematically failed in its constitutional obligation to fund schools adequately.

In 2019, OEA led a coalition of groups that wrote and fought for passage of a game-changing additional resource for pre-K and K-12 funding: the Student Success Act (SSA). New resources based on commercial activity (the "Corporate Activities Tax") are dedicated to a K-12 grant program and two other education accounts. When fully funded (after 2021), the CAT tax should yield about \$1 billion a year. Fifty percent of that sum will be dispersed to districts through the Student Investment Account; up to 30 percent will go to statewide initiatives particularly focused on Oregon's most marginalized students; and the final 20 percent will be distributed to a variety of early learning programs, such as Oregon PreK, relief nurseries, and a new culturally specific preschool program. Depending on how much the state invests in the more flexible, operational dollars of the State School Fund, the SSA could bring state funding to approximately 94 percent of the level the Quality Education Commission deems as adequate.

### *RECOMMENDATIONS:*

1. Pursue legislative appropriations in an amount sufficient to allow full implementation of the Quality Education Model (QEM) and that accounts for the cost-of-living adjustments for all

school districts and ESDs. OEA believes that the appropriations should meet this current service level calculation first (see #5, below), and then, as resources permit, add back programs/services/staffing lost in periods of budget reductions. Additional available resources should enhance budgets according to the Quality Education Model’s recommendations and the priorities established in these Legislative Objectives. Funding for public education should be sufficient to fully underwrite state and federal education mandates and goals, pursuant to Oregon’s Constitution Article VIII, Section 8. This includes maintenance of class sizes and caseloads appropriate to meet academic standards and student needs without fiscally undermining other school programs to achieve class-size goals.

2. Protect the distribution formula weighting components to ensure that they continue to reflect the number of students included in the following categories:
  - a. students eligible for an English Language Learner (ELL) program—money received for these students must be used for those students and criteria for what constitutes an adequate ELL program must be established;
  - b. students identified as neglected and/or delinquent;
  - c. students involved in special education programs;
  - d. students from economically deprived families.
3. Protect elements in the distribution formula that reflect teacher experience and necessary small schools (per ORS 327.013).
4. Maintain transportation as a priority in the distribution formula.
5. Pursue K-12 budgets that provide cost-of-living increases and additional funding to reflect enrollment increases as a top priority.
6. Support changes in the Oregon tax structure to make it fair to all taxpayers, provided that the result is adequate to fund the general positions contained therein
7. Support legislation regarding corporate tax transparency, including complete reporting.
8. Support repeal or substantial modification of the 2 percent kicker.

*Explanation:* At the conclusion of each Legislative Assembly, the state economists predict how much revenue may be anticipated from both personal and corporate income taxes. If the income from either source exceeds these projections by more than 2 percent, then the difference between projected and actual revenues was, for many years, refunded to the category of taxpayer (individual or corporate) whose taxes came in over projections. OEA worked to reserve corporate “kickers” for education, which voters approved in 2014, and in 2015, the personal kicker became a tax credit, rather than a refund. But because the kicker law was placed in Oregon’s Constitution in 2000, it is politically difficult to end it. Even when state resources are inadequate to fund vital programs, legislators are reluctant to suspend a credit in any given biennium in which it kicks, though the Constitution provides for the possibility with a two-thirds vote of each chamber.

9. Support funding of infrastructure and technology needs that are financed over and above the K-12 General Fund appropriation.
10. Support the ability of local school districts to raise revenues over and above an equitable state appropriation that has adequately met the needs of the district to provide a strong, basic education, reflecting all previously mentioned considerations with respect to enrollment growth, inflation, and special circumstances.

*Explanation:* In 1999, the Legislature granted a local-option right to school districts, and in 2000, voters approved an OEA-backed initiative to help districts with lower property wealth succeed in passing such levies by offering a state match. Despite these efforts, poorly resourced areas of the state have had difficulty getting these proposals passed. In recent years, Oregon's housing market crash narrowed the opportunity of districts in most areas to seek or collect significant revenues from local option levies.

11. Support regional service delivery to students served by education service districts (ESDs). If ESDs consolidate, merge, or change boundaries for any reason that results in the formation of new entities, OEA supports these transformations only if the impacts and results are favorable to staff, students, and educational quality and prioritize these considerations against demonstrated economic efficiencies and governance efficacy. In assessing any proposed ESD change, the following factors shall be considered:

- a. Impacts to students, including access to services, educational quality, and resource sufficiency.
- b. Impacts to employees, including travel time and distances, workplace hardships, isolation, and compensation.
- c. Overall cost implications in the short and long terms.
- d. Transparency and accountability of new governance structure compared to that which it will replace.

12. Support repeal of all or part of Measure 5.
13. Support efforts to improve state budget efficiency by ending the "use it or lose it" rule for biennial expenditures. Agencies should be able to retain unused resources for one-time expenditures or for priority policy actions that were not adopted in the biennial base budget.
14. Advocate for increased funding for students in Juvenile Detention Education Programs (JDEP) to the same level as funding currently allocated for Youth Corrections Education Programs (YCEP).
15. Explore and advocate for a legislative fix to the constitutional amendment calling for adequate and equitable funding for public education.



## MISCELLANEOUS:

### *RECOMMENDATIONS:*

1. Support legislation that requires public school districts to build K-12 schools within their own school district boundary. Exceptions should occur only with concurrence of the receiving district.
2. Support legislation to finance capital construction through such methods as school impact fees or systems development charges, which enable growth to pay for itself.
3. Support the passage of legislation to create a state bank.
4. Support a 28th Amendment to the U.S. Constitution asserting that corporations are not people and work with the “Move to Amend” Coalition to accomplish this. The goal would be to get the Oregon Legislature to support this amendment to the U.S. Constitution.
5. Pursue legislation to align public school kindergarten programs with licensed childcare programs for five-year-olds with respect to staff-to-student ratios.

# MAXIMIZING STUDENT LEARNING

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## COMMUNITY COLLEGES:

### *BACKGROUND:*

The Legislature initially envisioned a comprehensive but unique role for community colleges. They were developed to provide comprehensive college transfer programs, professional-technical education, and adult continuing education offerings for the acquisition of new skills to keep pace with a changing economy. Priority was also placed on location – it was stated that facilities should be located within commuting distance of a substantial majority of students. Community colleges create access to higher education for all Oregonians, especially for non-traditional students.

OEA believes community colleges responded well to the original charges of the Legislature. In recent years, however, demands for expansion of lower-division offerings, extension of retraining opportunities for displaced workers, and the need for increased coordination of programs with elementary and secondary school districts (including education reform programs) have expanded their original mission.

Furthermore, as budget allocations have eroded in recent years, campuses have been forced to cancel class offerings, amass long waiting lists of prospective students, reduce staff, delay capital improvements, eliminate services, and raise tuition. These actions undermine the fundamental goal of widespread access to post-secondary education. New initiatives to tie community college funding to students' achievement of degrees also may have lasting implications to the original mission of these institutions.

The community college governance landscape has changed markedly with the creation of the Higher Education Coordinating Commission (HECC) in 2011. Additionally, the passage of 2015's "Oregon Promise," a last-dollar funding model to pay community college tuition for more students, has the potential to expand access to higher education.

### *RECOMMENDATIONS:*

1. Ensure that the appropriation for community colleges be sufficient to maintain existing programs including growth and additional programs mandated by the Legislative Assembly and funding that allows for pay parity for part-time faculty and a substantially full-time faculty without relying on tuition or fee increases that impact student costs.
2. Reduce the overuse and exploitation of part-time faculty and education support professionals. The state's investment in post-secondary education must not come at the expense of part-time faculty or of education support professionals through the loss of benefits and wages.
3. Ensure that the distribution of community college funding is equitable.
4. Retain locally elected community college boards as the primary decision-makers for community college districts.
5. Ensure that discretionary funding sources be available for each community college.
6. Pursue state funding for capital expenditures.

7. Ensure that community college employees are appointed to all state and local post-secondary governing bodies with full voting rights so that education policy reflects their voices and views.
8. Ensure that state-adopted initiatives are faculty- and student-driven, involving the input of full-time faculty, part-time faculty, and education support professionals.
9. Ensure that legislation acknowledges the integral role that education support professionals play on community college campuses.
10. Ensure that a comprehensive community college includes developmental education as part of the core curriculum to promote open-access and equitable outcomes.
11. Maintain accessibility to community colleges by decreasing debt load and ensuring an affordable pathway to a higher education for all who choose higher education.
12. Ensure transparency in developing audits and budgets at the state and local levels by developing and enforcing a standardized method for public reporting of each college's Comprehensive Annual Financial Report and other financial statements.
13. Ensure that financial aid program or legislation related to tuition rates prioritize access for low-income and middle-class students.
14. Ensure that community colleges can hire an adequate number of counselors, full-time faculty, and other staff to support student success.
15. Ensure that community colleges maintain an instructional workforce of at least 60 percent full-time faculty achieved through a commensurate increase in state funding.
16. Ensure that part-time faculty and part-time staff receive health care benefits.
17. Ensure that part-time faculty are paid at the same rate as full-time faculty at the same institution for teaching duties, and at rates no less than 85 percent of full-time faculty equivalent rates for the purpose of pay equity, achieved through a commensurate increase in state funding and requiring inflation-indexed salary increases for all faculty.
18. Ensure that community college funding does not depend on so-called performance or outcome measures and does not encourage policies that limit the open-access mission of community colleges.
19. Promote policies and systems that address student and part-time faculty housing and food insecurity.
20. Establish oversight for community college expenditures to ensure adequate funding of the instructional mission at each college.
21. Ensure that part-time faculty are eligible for unemployment benefits during summer and all breaks between terms by enacting legislation that codifies that part-time faculty lack "reasonable assurance" of a return to work due to the contingent nature of their employment, regardless of offers of assignments for subsequent terms.

22. Ensure that faculty members maintain academic freedom rights. Prohibit any bans or limitations on curriculum.
23. Ensure robust support for curriculum that promotes understanding of systemic oppression and furthers social justice.
24. Establish a statewide system for generating student performance and outcomes data as students move through the higher education system (e.g. majors after transfer).
25. Ensure that dual credit meets high quality standards.
26. Ensure that PERS and other benefit eligibility is determined by a standardized method at all colleges that represents a fair estimation of the work performed by adopting the 3.35 factor per instructional hour calculation utilized for the purpose of public service loan forgiveness.
27. Support legislation that allocates sufficient funding for faculty development, adoption, and adaptation of open educational resources, including but not limited to grants and release time.
28. Ensure that part-time classified are paid at the same rate as full-time classified at the same institution for equivalent duties and require inflation-indexed salary increases for all classified employees.

## EDUCATION REFORM:

### *BACKGROUND:*

Public education in Oregon has undergone massive changes since the 1991 passage of the Education Reform Act of the Twenty-first Century and because of subsequent changes resulting from 1995 legislation. Other legislation relating to governance, testing, early childhood education, school district reorganization, charter schools, and virtual schools is also having an impact. OEA is supportive of teacher-led education transformation; however, most members believe that caution must be exercised in making changes to be certain that they will actually be advantageous to the involved students. The 2015 passage of The Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act (ESEA), has created many opportunities in education policy (especially with respect to Common Core and testing), but it will require great vigilance. Increased flexibility for states will mean that educators' involvement in state-level policymaking is more important than ever in order to ensure that Oregon continues to move forward on an assessment system that works and on curriculum policy that makes sense. OEA is working to ensure that educators have the flexibility they need to return the love of learning to Oregon's classrooms.

### *RECOMMENDATIONS:*

Support laws, rules, and policies that:

1. Focus on making assessments and assessment results usable by teachers in guiding instruction and focus on student growth rather than normative standards.
2. Provide full funding and implementation supports for required programs.
3. Promote the use of evidence-based, age appropriate, and culturally responsive curriculum, and that all such curricula have associated standards.

4. Protect public education from the damaging effects of for-profit programs.
5. Support and provide adequate funding for educator-driven recruitment and retention programs in schools that focus on peer-to-peer assistance.
6. Ensure that graduation requirements are equitable for all students and all students are provided with the resources needed to meet those requirements.
7. Maximize classroom instructional time and accessibility by eliminating unnecessary assessments.

## MISCELLANEOUS:

Support laws, rules, and policies that:

1. Protect the free speech rights of staff and students in school settings.
2. Promote and fund the adoption and implementation of culturally responsive programs in public schools.
3. Create learning environments that maximize student accessibility and outcomes by limiting both class sizes and caseloads to levels supportive of student needs.

# RESPECTING THE RIGHTS OF SCHOOL EMPLOYEES

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## COLLECTIVE BARGAINING:

### *BACKGROUND:*

The Oregon Education Association has long recognized collective bargaining as the most effective process for maintaining good employee-employer relations. The Oregon Public Employee Collective Bargaining Act, which passed in 1973, has worked well and is credited as being the most significant contributor to the relative labor peace that has existed in Oregon over the past four decades.

In spite of the outstanding record of the statute, there are continued attempts to modify the scope of coverage and the procedures for bargaining, with the objective of tipping the statutory balance in favor of management. Working Oregonians face renewed threats to their collective bargaining rights with perennial ballot initiatives. OEA will have to work harder to maintain the organization's voice for Oregon students and their families should these attacks be successful. Collective bargaining has, especially prior to changes made in the mid-1990s, worked well in Oregon. It is a demonstrated procedure for resolving the problems of labor relations in the most orderly manner possible. OEA holds the following principles of bargaining to be among the most important advocated by the Association.

### *RECOMMENDATIONS:*

1. Ensure that the scope of bargaining be sufficient to include employment concerns and problems of both employees and employers. All items relating to wages, hours, terms, and conditions of employment should be included.
2. Support a change to the Oregon Public Employee Collective Bargaining Act (PECBA) to make class-size ratios a mandatory subject of collective bargaining in education districts, , including community college districts.
3. Ensure that employee be allowed to determine their own units as long as they can demonstrate a common interest.
4. Ensure that support groups such as the Employment Relations Board and the Mediation and Conciliation Service be properly funded so that they may maintain reasonable service levels.
5. Maintain the employee right to strike or to impose other sanctions during periods of disagreement.
6. Maintain the practice of recognizing that employee organizations are the most effective entities for serving employee needs and representing them in the bargaining process. Protect the right to implement fair share or other union security agreements.
7. Ensure that the general philosophy of bargaining in the state is to establish a balanced process between employees and employers.
8. Ensure that the authority to bargain employment contracts remain at the local and bargaining council levels.

9. Support an amendment to the Oregon Revised Statutes to enable part-time, adjunct, and other education employees who would not otherwise be eligible for unemployment benefits to receive them.
10. Oppose the enactment of any statewide policy with the intent of allowing or directing school districts, education service districts, or community college districts to establish compensation programs for educational employees that eliminate the consideration of years of service or that replace seniority with a merit-based pay scale.
11. Ensure that school employee salaries and other compensation, and compensation for student teachers, are adequate and competitive with other professions. Salaries need to reflect the amount of time worked per day and days worked per year and the experience of the school employee, and are not to be based on performance pay schedules, such as merit pay.
12. Support legislation to ensure that adjunct community college faculty receive a paid health insurance benefit.
13. Support legislation to ensure that union dues are tax deductible in Oregon.
14. Support enhancements to Oregon's Public Employees Collective Bargaining Act that require public employers to provide reasonable compensated time (i.e., release) for the exclusive representative to engage in collective bargaining, grievance processing, and membership recruitment.
15. Support enhancements to Oregon's Public Employees Collective Bargaining Act that allow the exclusive representative to elect to require binding arbitration to resolve interim (i.e., expedited) bargaining in lieu of a strike.
16. Support enhancements to Oregon's Public Employees Collective Bargaining Act that allow the Employment Relations Board to assess fines (i.e., penalties) or damages paid by employers engaging in unfair labor practices to the exclusive representative (i.e., union).
17. Support enhancements to Oregon's Public Employees Collective Bargaining Act to establish rights to engage in unfair labor practice and sympathy strikes; and prohibit employers from bringing claims against unions that conduct secondary strikes, unfair labor practice strikes, or sympathy strikes.

## PUBLIC EMPLOYEES RETIREMENT SYSTEM:

### ***BACKGROUND:***

Establishing and maintaining an excellent retirement program has long been a top priority of the Oregon Education Association. A defined-benefit retirement system was first enacted during the 1967 Legislature, and it has gradually improved through the years into the Public Employees Retirement System (PERS) in place through 2003. The PERS system enjoyed good public support until 1989. At that time, the U.S. Supreme Court ruled that tax policy on benefits earned by federal retirees must be the same as that imposed on state and local government employees. This decision was prompted by the fact that, at the time, federal retirement income was subject to state income tax, but state and local retirement income was not. The Legislature made several attempts to correct the situation.

Attacks on the basic system began in 1994, when benefits were reduced by an initiative on the ballot. The measure was subsequently found unconstitutional by the courts. PERS remained a target of anti-public employee forces who, in the 1995 Legislative Assembly, enacted a reduced tier of benefits for new employees (Tier 2). In each subsequent legislative session - with a few exceptions - changes to PERS were contemplated that would have had a negative impact on public employees. OEA, with the help of labor coalition partners, was able to defeat most proposals until 2003.

After an intense election cycle with heightened political debate around the cost of PERS to employers and taxpayers, the 2003 Legislature approved a reduction in benefits for Tier 1 and Tier 2 PERS members and created the Oregon Public Service Retirement Plan (OPSRP) to provide retirement benefits for all employees hired on or after August 28, 2003. The Oregon Supreme Court overturned the most egregious changes, including legislation that would have frozen earnings on Tier 1 member accounts and frozen the cost of living adjustments for retirees. Changes that were maintained include diverting the six percent employee contribution into an individual account outside of PERS; disallowing further contributions into the variable fund (slowing the use of money match as a retirement calculation); and updating the mortality tables used to calculate retirement benefits.

The Oregon Public Service Retirement Plan (OPSRP) is a hybrid plan providing a defined benefit for the life of the employee, paid by employers, and a defined contribution funded by employee contributions. Normal retirement age is higher (age 65 or age 58 with 30 years of service) and the defined-benefit formula is not as generous as PERS. In the initial legislation, part-time school employees were disadvantaged because their service-credit time was prorated. This made it virtually impossible to achieve certain benefits such as retirement at age 58 with 30 years of service or disability with 10 years of service. OEA was successful in 2005 in changing the OPSRP plan to allow part-time school employees to receive benefits based on actual years served.

In the 2013 Legislature, additional changes were made to PERS, capping the cost of living adjustment (COLA) increase for retirees and ending the out-of-state tax remedy for PERS retirees living beyond Oregon's borders. In response to a court challenge from OEA and partner labor groups, the Oregon Supreme Court deemed the bulk of these changes unconstitutional. In the wake of the court case, the business elite and other opponents of defined-benefit retirement plans have and will continue to ramp up their attacks on the benefits earned by teachers, firefighters, nurses, and other public servants.

In the 2017 session, several policymakers responded to the Oregon Supreme Court ruling by introducing legislation that included a number of extreme attacks on PERS. These included moving workers into a 401-k style, defined contribution plan; requiring PERS members to pay for their own retirement, regardless of local contract language; and capping benefits. This legislation was introduced again in subsequent sessions.

In 2019, the Legislature passed SB 1049, a far-reaching PERS bill which redirected a portion of PERS members' Individual Account Plan (IAP) contributions into a new "Employee Pension Stability Account" which will be used to buy down the PERS unfunded actuarial liability instead of going into members' retirement savings. This occurs regardless of whether an employee or employer makes the 6% IAP contribution. For Tier 1 and 2 PERS members, the redirected amount is 2.5% of salary, leaving a 3.5% contribution to the IAP. For OPSRP members, the redirected amount is .75%, leaving 5.25% contributed to the employee's IAP. Employees earning \$2,500 or less each month were exempted from the redirect.



## *RECOMMENDATIONS:*

1. Recognize that a defined-benefit approach is the most effective method of establishing a high-quality retirement system, in both the public and private sectors.
2. Ensure that Oregon's retirement system provide a benefit level that will allow retirement with dignity after 30 years of service.
3. Ensure that retirement with less than 30 years of service be available in special situations.
4. Include adequate procedures and benefits to accommodate the problems of injured and disabled workers in Oregon's retirement system.
5. Include cost-of-living increases in Oregon's retirement system.
6. Ensure that increased funding for a supplemental medical program be available to retired employees.
7. Oppose any legislation that will jeopardize the integrity of PERS and OPSRP.
8. Support ad hoc retirement benefit increases for all retirees whose PERS retirement income has decreased below an 85 percent COLA level equivalency.
9. Ensure that actuarial and investment policies produce sound financing.
10. Ensure that assets of the retirement system be used for the sole benefit of the beneficiaries of the system.
11. Advocate for a benefit that will maintain real replacement income levels of at least 75 percent of the highest single year's rate of salary after 30 years of service (and at least 50 percent after 20 years of creditable service), not including Social Security benefits.
12. Ensure that provisions be in place that permit the purchase of credit earned while a member of another retirement system.
13. Ensure that provisions be in place that permit the purchase of credit for sabbatical leaves, maternity/paternity/adoption leaves, and any other approved leaves of absence.
14. Make certain that retirement credit for unused sick leave is available.
15. All compensation, including extra-duty pay, should be included in computing retirement benefits.
16. Pre-retirement counseling should be available to all covered members.
17. Ensure that a current annual financial statement is distributed to all members.
18. Ensure that all retirement benefits for spouses be equally available for domestic partners.
19. Ensure that benefit formulas provide full-year credit for each school year worked and provide that credit regardless of the number of hours worked per day.
20. Support PERS agency funding, including a sound budget that enables the agency to upgrade technology to support member records maintenance.
21. Work to ensure that PERS retiree health insurance benefits are available for all retirees.

22. Support legislation that increases the transparency of PERS investments.

## LICENSURE:

### *BACKGROUND:*

Licensure has long been recognized as the best method for guaranteeing that only qualified individuals will be involved in the professional functions relating to education, and that children will be protected from unfair treatment and abuse.

In Oregon, the Teacher Standards and Practices Commission (TSPC) has responsibility for determination of certification standards, approval of training programs for teachers and other educational professionals, reviewing complaints against teachers and determining penalties, and administering a comprehensive and efficient certification program. The Commission took over the responsibility from the State Board of Education in 1973 and is lauded as one of the few autonomous certification boards in the country. TSPC's composition includes representatives of all educator groups. Attacks on teacher involvement in the system have surfaced in recent legislative sessions.

### *RECOMMENDATIONS:*

1. Support the authority of TSPC as the licensing board of all K-12 education professionals in the state, assuming the structure of the commission remains the same and that it remains a body independent of the State Board of Education.
2. Advocate for TSPC support for educator candidate licensure that is free from cultural, linguistic, and socio-economic bias. Start by eliminating ED-TPA and any licensure requirement that inappropriately or unfairly assesses/judges teacher candidates, especially those who are placed in non-traditional classroom settings.
3. Advocate for recruitment and retention of new educators, particularly those from underrepresented and rural communities, by supporting efforts to provide educator development pathways and financial assistance.
4. Advocate that either the State of Oregon or the local school districts fund those training requirements for teachers that are imposed after full licensure has been achieved. In the absence of such funding, licenses should be renewed upon demonstration of satisfactory experience and completion of requisite continuing professional development requirements.
5. Ensure that all individuals working in an unsupervised manner with students (per TSPC rule) be required to hold either a Department of Education certificate of authorization or TSPC license
6. Support TSPC funding, including a sound budget and fee authorization proposals designed to implement association-supported reforms.
7. OEA support legislation improving education unions' access to students in educator licensure programs.

## FAIR DISMISSAL:

### *BACKGROUND:*

Protection of school employees from arbitrary and capricious dismissal has long been a priority of the Oregon Education Association. OEA believes that every employee whose performance is in question is

entitled to a reasonable dismissal procedure, and that these dismissal standards should be clearly delineated. Current law provides that during the probationary period (first three years of employment), a teacher may be dismissed for any cause deemed sufficient by the school district board. In some instances, additional procedures are provided through the bargaining process at the local level. After this probationary period, a teacher who is threatened with dismissal may appeal his or her case according to the Fair Dismissal law as modified by the 1997 Legislative Assembly or may submit the dispute to binding arbitration.

### *RECOMMENDATION:*

Support stronger statutory dismissal procedures for educational support personnel.

## MISCELLANEOUS:

### *RECOMMENDATIONS:*

1. Support legislation guaranteeing that equality of rights under the law shall not be denied or abridged by the state based on sexual orientation/gender identity.
2. Pursue the establishment of a statewide insurance pool for school employees that includes an opt- out provision and that does not force reductions in health-care benefits.
3. Support legislation establishing a private right of action against public officials who knowingly fail to implement government policy.
4. Allow teachers and education support professionals to be listed on substitute lists without disqualifying them for unemployment benefits.
5. Support legislation amending ORS 244.040 to allow school board members to vote on all issues after stating conflicts of interest.
6. Support professional growth and evaluation systems for education employees that are collaboratively developed by the school district, community college district, or other education entity, and the exclusive bargaining representative of the teachers, faculty, and school employees employed by the entity.
  - a. Standardized test scores should not be used to support evaluate or support employment action against an educator.
  - b. Professional growth and evaluation systems for education employees should be collaborative, fair and equitable.
7. The Legislature should consider these facts prior to the time legislation affecting an educational practice is considered on the floor:
  - a. research to support the practice;
  - b. evidence to indicate that an amended practice would be manageable by educational support personnel, teachers, parents, and/or students;
  - c. estimated cost of the implementation to the state and also to school districts and ESDs. This analysis should include the identification of a source of revenue to cover the fiscal impact.
8. Support the elimination of duplicate background checks of prospective school employees in

any single calendar year in which they apply to multiple districts. Enable all school districts and education service districts to access the candidate’s background check results in a centralized location.

9. Amend current law regarding harassment of education employees to include bullying,
  - a. menacing, and intimidation as actions creating or expanding the definition of hostile work
  - b. environment, and as conditions to be included as mandatory subjects of bargaining.
10. Support the wearing of religious dress by teachers in Oregon’s public schools.
11. Support the development of a state health care policy designed to provide affordable, quality, comprehensive health care to all Oregonians.
12. Support efforts to hold down the cost of employee health benefits by working to address factors that drive costs, such as pharmaceutical and hospital pricing.
13. Ensure that educators’ personal contact information is protected from sharing outside of the employer and employee union to the greatest extent possible.
14. Strengthen collective bargaining protections and information access to ensure the ability of the Association to effectively organize and represent education support professionals.
15. Advocate for programs and strategies to diversify the public education workforce so that it more closely resembles the racial/ethnic demographics of Oregon’s students. This includes such programs as a BIPOC educator statewide tuition remission program.
16. Support efforts by the state of Oregon to recognize, fund trainings for, and create financial incentives for completion of national advancement certifications, such as National Board Certification.

## MAINTAINING A STRONG EDUCATOR VOICE IN PUBLIC POLICY

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### GOVERNANCE OF EDUCATION:

#### *BACKGROUND:*

Funding has shifted from the local level to the state, and many in state government are advocating for increases in the state’s decision-making authority. The State Board of Education has imposed additional restrictions and increased testing requirements on local school districts. The Oregon Department of Education is also assuming a greater role in evaluating districts. Because of decentralization and the assumption of greater power by the state, local school boards’ authority and responsibility has been diminished. In 2011, the Oregon Legislature changed the position of Superintendent of Public Instruction from an independent elected office to an appointed deputy, answerable to the governor, who serves a dual role as superintendent and governor.

## *RECOMMENDATIONS:*

1. OEA shall recognize local district boards as the major decision-making bodies of local school districts in the state. OEA opposes legislative interference in local school district decision-making that is based on a rationale that state government's power to allocate citizen tax revenues justifies the intrusion.
2. State entities that have responsibility for determining or evaluating education policies must have teacher representation.
3. OEA should have the legislative goal that state governing boards be composed of at least 30 percent non-administrative educators, including ESPs, employed by a public school district or Oregon community college.
4. Revise Oregon's 40-40-20 statute to reflect more student-centered objectives and a more supportive, comprehensive educational experience for every student.
5. Support the re-establishment of an elected Superintendent of Public Instruction.
6. Support legislation requiring school districts to provide leave time for education employees serving state agency or board appointments.

## *CAMPAIGNS AND ELECTIONS:*

### *RECOMMENDATIONS:*

1. Oppose legislation and other initiatives that would dilute OEA members' and OEA-PAC's ability to actively participate in the electoral process, such as an open primary system or fusion voting.
2. Support legislation that would eliminate fraud and forgery in the initiative process.
3. Support legislation that limits the role of corporate money in campaigns and elections.

