

April 2005



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Dear Reporter:

Oregon's economic growth depends on the strength of its public school system. Providing that system represents the largest single expenditure in the state's General Fund Budget and a significant portion of property taxes paid by the citizens in your community. The money spent for schools may well make school districts the largest businesses in your area.

The citizens in your community depend on your news coverage for their information about schools. In fact, for the more than 70 percent of the population with no children in school, your coverage may be their only source of information about the schools.

In Oregon, local school boards determine how educational services are offered following state and federal laws as well as the collective bargaining agreements boards have with school employees. This structure makes covering the school beat a challenge for even the most seasoned reporter.

The Oregon School Boards Association has prepared this ninth edition of *Covering Education: A Reporter's Guide to Education in Oregon* to assist you in reporting school issues. The guide contains information about school organization, curriculum, budget, collective bargaining, education service districts and community colleges. It also includes appropriate references to state law and a directory of education agencies and organizations.

The section on *The School District's Organization* describes how school districts are organized and governed; how board members are elected, appointed or recalled. It also includes general information about school personnel plus information on requirements for criminal record checks for all school employees and the student records law.

The section on *The School Curriculum* reviews state standards for elementary and secondary schools as well as the federal requirements for schools in the revised Elementary and Secondary Education Act (ESEA), or No Child Left Behind (NCLB) Act of 2001. In addition this section includes: information on school attendance; the school calendar; early childhood education; the Certificates of Initial (CIM) and Advanced (CAM) Mastery; state, district and school report cards; charter schools; testing; textbook selection; and a review of school improvement efforts in Oregon beginning in 1983. The federal program section of this chapter includes information about Title programs funded under the NCLB Act of 2001, special education, vocational education and school nutrition programs.

The section on *Understanding the School Budget* is a detailed explanation of school budgeting procedures that apply to school districts, education service districts and community colleges. It includes information about voter-approved tax limitation impacts on school budgets as well as sections about budget committees, budget preparation and approval, school revenues and expenditures, current bond levy and local option levy requirements, election dates, vote-by-mail and computing taxes.

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The section on *Education and the Collective Bargaining Law* is a step-by-step explanation of the law and its applications. Also included are an expanded glossary of collective bargaining terms and list of teacher union strikes in Oregon since 1973 when Oregon's collective bargaining law went into effect.

The section on *Education Service Districts* describes how these agencies are organized, how they function and the services provided for local school districts. This section also describes the ESD's role in school district boundary changes and school district mergers.

The section on *Community Colleges in Oregon* includes historical information about their development as well as information about governance, organization, administration and funding.

The *Directory of Education Agencies and Organizations* is intended to be a working list of those agencies and organizations reporters are most likely to contact for information needed to verify local actions or give local stories a state, regional or national perspective.

References to *Oregon Revised Statutes* (ORS) and to *Oregon Administrative Rules* (OAR) are included as appropriate in the text of each section. *Oregon Revised Statutes* are the laws that govern the operation of schools. *Oregon Administrative Rules* are adopted by the State Board of Education or other state agencies under authority granted by statute and have the force of law.

If you have questions about any of the content, or if you have suggestions for information that should be added, please contact the Communication Services Department at Oregon School Boards Association, P.O. Box 1068, Salem, Oregon, 97308; telephone 1-800-578-6722 or 503-588-2800 in the Salem area. Also, please check out OSBA's Web site, [www.osba.org](http://www.osba.org), for current information on public education in Oregon and the nation.

Additional copies of *Covering Education: A Reporter's Guide to Education in Oregon* may be purchased for \$25 per copy for non-members or \$17.50 per copy for members; \$12.50 per copy for members for orders of five or more; or \$10 per copy for new board members. **Copies are available to reporters at no charge.**

We hope this guide will be helpful to you, not only in covering schools but also in establishing good working relationships with school board members, community college board members and administrators in your community.

Sincerely,



Kevin McCann  
Executive Director, OSBA



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# SCHOOL DISTRICT ORGANIZATION

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## Chapter 1

**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# Contents

<b>School District Organization</b>	<b>1</b>
Oregon's Public Schools	1
The State's Role	1
Local School Governance	2
Types of Districts	2
Number of Districts	3
School Boards	4
Board Elections	4
Recall Elections	5
Vacancies	5
Board Meetings	5
Accessibility	6
Minutes	6
Public Meetings Manual	7
The Superintendent	7
The Clerk	7
Administrative Staff	7
Business Operations	8
Curriculum	8
Personnel	8
Special Education	8
Public Information/Community Relations	8
Building Principals	8
Teachers	9
Licensing Requirements	9
Support Staff	10
Food Service	10
Transportation	10
Contracted Services	10
Criminal Records Check	11
Student Records	12

# School District Organization

**Oregon's Public Schools** Oregon's Constitution Article VIII, Section 3, requires the state legislature to "provide by law for the establishment of a uniform and general system of common schools." Article XI, Section 11b, Oregon's property tax limitation adopted by voters in 1990, shifted the primary responsibility for funding schools from local property taxes to the state's general fund. Article VIII, Section 8, requires the Legislature to "appropriate in each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law, and publish a report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state's system of public education to meet those goals."

These constitutional requirements make public education a state responsibility. However, under Oregon law school districts were created and are empowered to carry out the state's responsibility to educate children. In practice, local districts operate as nearly autonomous units of government with relatively little interference from the state unless they engage in flagrant violations of state regulations or statutes.

**The State's Role** Article VIII of the Oregon Constitution also established the office of state Superintendent of Public Instruction. The superintendent is elected every four years at a general election. The state superintendent serves as the administrative officer for the State Board of Education and executive head of the Department of Education, directing all activities of the agency and providing assistance to public preschool, elementary and secondary schools. The superintendent and state board also are responsible for the state Schools for the Blind and Deaf, the educational programs at Hillcrest and MacLaren as well as for regional programs for children with disabilities.

In 1951, the Legislature established the State Board of Education with responsibility for establishing standards for public schools, adopting rules for the general governance of public schools and community colleges and regulatory responsibility to assure compliance.

The State Board of Education consists of seven Oregonians appointed by the governor for up to two four-year terms. One member is selected from each of Oregon's five congressional districts and two are selected from the state at large. State board members are unsalaried and cannot be employed in public schools during their terms of service.

The Department of Education assists local school districts in working toward state standards and requirements established by the legislature and the State Board of Education. Local schools and communities set their own priorities among the goals to meet local needs and then allocate local resources accordingly. State and federal funds for local schools are administered by the Department of Education.

The general purposes of state standards and requirements are to guarantee students certain minimum educational opportunities, to provide for their physical safety and also to provide safe and equitable employment conditions for district employees. Many of these standards and requirements are changing as a result of state school improvement legislation, enacted in 1991 and amended in each legislative session since then, and also as a result of the revised federal Elementary and Secondary Education Act, also called the No Child Left Behind (NCLB) Act of 2001. (See *www.osba.org* for information about the current status of state and federal school improvement and testing requirements.)

## **Local School Governance**

A school district's board of directors (school board) is responsible for providing an education system to serve the needs of district children. It also has the authority needed to fulfill that responsibility. This includes the power to:

- Construct, equip and furnish buildings
- Hire and determine the wages of employees
- Prescribe courses of study
- Provide instructional materials
- Operate student transportation systems
- Provide food services for students
- Acquire real estate for school purposes
- Enact rules and regulations governing the operation of the schools
- Enact rules and regulations governing student and employee behavior
- Enact rules and regulations governing the use of school property
- Levy taxes approved by the voters
- Ensure district compliance with state and federal regulations
- Do other things necessary to carry out the duties and responsibilities assigned to school boards by the state

(See Oregon laws governing schools: ORS Chapter 332.)

## **Types of Districts**

Elementary/secondary school districts are made up of unified, component elementary, union high and unified elementary districts.

- Unified districts offer education programs for students in kindergarten through grade 12.
- Union high school districts offer programs for students in grades seven or nine through 12 who reside within the union high school district's boundaries and have attended component elementary districts within the district's boundaries.
- Component districts are financially responsible for providing an education program for students in kindergarten through

grades six or eight. The territory of a component district is wholly within one union high school district.

- Elementary, or unified elementary, districts operate the same programs as component districts but are financially responsible for providing for their students' high school education. The district does this through tuition arrangements with districts that have seventh or ninth through 12th-grade programs.

There is one union high school district (Crane Union High School). The eight component elementary school districts are: Crane, Diamond, Double O, Drewsey, Frenchglen, Pine Creek, Suntex and South Harney. The 11 unified elementary districts include: Adel, Annex, Arock, Ashwood, Black Butte, Brothers, Juntura, McDermitt, Pinehurst, Plush and Troy.

## Number of Districts

In 2004-2005 there are 198 elementary/secondary school districts serving approximately 551,407 students.

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### Oregon's 198 School Districts\*

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- 178 unified
- 8 component elementary
- 1 union high
- 11 unified elementary
- 29, or 15 percent, of Oregon districts have fewer than 100 students in ADM (average daily membership)
- 48, or 24 percent, have 100 to 499 ADM
- 32, or 16 percent, have 500 to 999 ADM
- 42, or 21 percent, have 1,000 to 2,999 ADM
- 47, or 24 percent, have 3,000+ ADM

\*Senate Bill 917, enacted by the 1991 Legislature, required all school districts to unify or merge into K-12 units by Sept. 1, 1996. The number of school districts dropped from 295 in 1992-93 to 277 in 1993-94, to 250 in 1994-95, to 237 in 1995-96 and to 198 in 1998-99. There were 2,556 school districts in Oregon in the 1917-18 school year. (For more information about unification legislation see "History of School Funding in Oregon" under Hot Topics: Education Funding at the Crossroads at [www.osba.org](http://www.osba.org).)

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In addition to the elementary/secondary school districts, Oregon has 20 education service districts, 17 community colleges and three community college service districts. In 2003-2004 community colleges were serving some 333,595 adult students of all ages.

*Education service districts* provide regionally those services local districts are not able to offer economically or because of the numbers of students involved. (See section on Education Service Districts, page 87, or the ESD section on the OSBA Web site, [www.osba.org](http://www.osba.org) – look for "Other Ed Links.")

*Community colleges* offer continuing public education beyond high school. They also cooperate with secondary school districts

in offering alternative programs for high school completion, enrichment programs for talented and gifted students and cooperative vocational education programs. (See section on Community Colleges in Oregon, page 93, or the Oregon Community College Association Web site, *www.occa17.com*.)

## **School Boards**

All Oregon school districts are governed by boards of directors (school boards). School boards may have five, seven or nine members.

School board members are elected for four-year terms either at large or by zone. (ORS 332.124 and 332.126)

Any resident of a district may run for a school board position if that person is a registered voter and has lived in the district for one year immediately preceding the election. However, if a school board candidate is a school district employee and is elected to the school board in that district, that person cannot serve on the board unless he/she resigns from the job. (ORS 332.018)

### **Board Elections**

If board members are elected at large, they may live anywhere in the district and be elected for any position.

If board members are elected by zone, they may:

- Live within the zone and be elected by all voters in the district, or
- Live within the zone and be elected only by voters who live within the zone. (ORS 332.124)

If local school district board members are nominated by zone, they generally are elected at large.

The voters determine the method by which school board members are nominated in a particular district. The board then decides whether candidates will be elected districtwide or by zone. If a district is zoned, the board determines the boundaries, keeping them as equal in population as possible. (ORS 332.122 and 332.128)

Community college and education service district board members are nominated by zone and elected by zone, except for at large positions, if there are any.

About half of the more than 1,400 school board members in Oregon's school, community college and education service districts are elected or re-elected the third Tuesday in May in odd-numbered years. (ORS 255.335)

The filing deadline for school board positions is in March on the 61st calendar day prior to the May election date. (ORS 255.235)

If no one files for a position, the person who receives the most write-in votes is elected. If this person is ineligible to hold office, or if there are no write-in candidates, the board declares the position vacant and appoints someone to fill it until the next regular election. [ORS 332.124 (3)]

**School board members do not receive compensation for their services — they are unpaid, elected volunteers.**



**Recall Elections** School board members, like other elected public officials in Oregon, are subject to recall. A petition to recall a locally elected official cannot be circulated until the officer has actually held the office for six months.

Any voter who circulates a petition to recall a school board member must first file the petition with the county clerk. The petition must state the reasons for the board member's recall.

The number of signatures required for a recall election is 15 percent of the total votes cast in the electoral district for all candidates for governor at the most recent election at which a candidate for governor was elected.

If the required number of valid signatures is collected within 100 days after filing the prospective petition, the public officer is notified and given the opportunity to resign. If the officer does not resign within five days after the petition is filed and signatures are verified, a special election must be held within 35 days. If the officer does resign, the resignation is accepted and takes effect on the day it is offered. (Oregon Constitution, Article II, Section 18, and ORS Chapter 249)

**Vacancies** A vacancy on a school board caused by the resignation, removal or recall of a board member is filled by appointment by the remaining board members unless a majority of the board resigns or is recalled. In that case, the education service district board appoints replacements.

Any person appointed to a board serves until June 30 following the next regular election date (the third Tuesday in May in odd-numbered years). Candidates for positions not regularly scheduled for election at that time are elected for the unexpired portions of the terms. (ORS 332.030)

In cases where a school board member resigns after the May election filing date, the county clerk establishes a special filing period, if the resignation is effective more than 20 days prior to the election, and the candidate's name appears on the ballot. If the resignation is effective 20 days prior to the election or later, the position is filled by board appointment until the next May election in an odd-numbered year. (ORS 255.245 and OAR 165-20-035, 165-20-040 and 165-20-045)

**Board Meetings** All school board meetings except executive sessions are open to the public. Written notice of at least 24 hours is required for a school board to meet in a regular, special or executive session. The board chair can call an emergency meeting without 24-hour notice. If such a meeting is required, the news media is to be notified by phone.

Executive sessions may be called during any regular, special or emergency meeting but only for matters dealing with personnel, student records exempt from public inspection, negotiations, litigation, real estate, student expulsions or student medical and education program records. A board cannot take final action in executive session on any matter except student expulsion and issues related to student medical records and

education programs. Initial offers of employment or property purchase can take place in executive session, but the ultimate decision to hire or purchase must happen in an open meeting.

Before adjourning a meeting to go into executive session, the chair must state the sub-paragraphs of the statute (ORS 192.660 or 332.061) that define the subject matter of the session, e.g., “This board will reconvene in executive session under ORS 192.660 Section 2 to discuss negotiations.”

Reporters may attend executive sessions with four exceptions: 1) when labor negotiations strategy is being discussed; 2) when a student is being expelled; 3) when a student’s medical or educational records are being discussed; and 4) if the reporter or the reporter’s media organization is involved in litigation against the district and that is the topic of the executive session.

Some board members encounter problems because they believe reporters are prohibited from reporting all conversations that take place in executive session. That is not true. Reporters are allowed to report discussion of topics that are not exempted by executive session.

Any hiring – including hiring a superintendent – must take place in open session. The board can, however, interview and consider candidates in executive session and can conduct a superintendent’s evaluation in executive session, provided the evaluation criteria and evaluation form were discussed and adopted in open session.

Complaints against employees as well as the dismissal or discipline of employees can be considered in executive session, unless the employee requests an open session.

Since 1997, collective bargaining sessions with union representatives are conducted in open session unless both parties agree to executive sessions.

**Accessibility** School board meetings must be held in places accessible to the disabled. In addition, when someone who is hearing-impaired requests an interpreter 48 hours prior to a public meeting, the school board must make a good faith effort to provide the interpreter. [Americans With Disabilities Act of 1990, P.L. 101-336, 104 Stat 327 (1990) and ORS 192.630(5)(a)]

**Minutes** Written minutes are required for all meetings except recordings allowed for executive sessions. Minutes should be available within a reasonable time after the meeting. Minutes are to indicate members present, all motions made and their disposition, results of all votes by name of each member (no secret ballots are allowed) and the substance of the discussion on any matter.

**Public Meetings Manual** Detailed information about Oregon’s public records and meetings laws are included in the Attorney General’s Public Records and Meetings Manual. Copies are available from the Oregon Department of Justice, Salem, 503-378-2992, ext. 325.

*Conducting School Board Meetings*, a briefer summary of public meeting requirements, is available from OSBA either online under Publications at [www.osba.org](http://www.osba.org), or by calling OSBA at 1-800-578-6722 or in Salem at 503-588-2800.

**Note:** All state or local governmental boards, commissions, councils, committees, local school committees or councils, or subcommittees consisting of two or more members are subject to Oregon’s Public Meetings Law. Meetings occur when a quorum is present to receive information, or to decide or deliberate on any public matter. On-site inspections and chance social gatherings are exempt. This applies to groups without power of decision when designated to furnish advice to a public body, but not when advice goes to individual public officials. Private bodies are not covered, but public agencies contracting with private bodies can require them to follow the law.

## **The Superintendent**

School boards in all except the smallest school districts hire a superintendent or superintendent-principal who is responsible for the school district’s daily operation and administration.

Contracts between school boards and superintendents are worked out individually. [ORS 192.660(1)(a)(D)]

Superintendents may expend funds as provided by the district’s budget. They prepare annual budgets for review by the districts’ budget committees and boards. A superintendent is directly responsible to the board for recommending the hiring, assigning, supervising, evaluating and firing of staff members [ORS 342.895(1)] and for determining the school curriculum.

The superintendent is the person to contact for comments about district policies, operations, finances and curriculum.

### **The Clerk**

The superintendent, if one is employed, is also, by law, the district clerk and responsible for board and district record keeping. A deputy clerk usually is employed to do many of the administrative functions assigned by law to the clerk. If a district has no superintendent, then a clerk is hired who often shares district administrative functions with a teaching principal or head teacher.

## **Administrative Staff**

The size of the superintendent’s administrative staff is related to the size of the school district. If a district is large enough to have more than a superintendent, then additional administrative positions generally fall into the categories of business operations, curriculum matters, personnel and special education.

Almost all Oregon school districts have Web sites that list their student enrollments, number of school buildings and their locations as well as staff by name and position with contact information. To access individual school district Web sites, go to Other Education Links on the Oregon School Boards Association Web site, <http://www.osba.org/edlinks/index.htm>.

- Business Operations** A district deputy clerk or business manager can answer questions about the budget, revenue and expenditures, numbers of students, per pupil costs as well as provide historical data about the district.
- Curriculum** Some districts assign curriculum development and other related student services to an administrator other than the superintendent. This person can answer questions about school programs, test scores, enrollment (projections and history), textbooks and other topics related directly to classroom instruction.
- Personnel** A personnel director can respond to questions about negotiations and contracts, salaries and fringe benefit programs, personnel procedures and hiring practices and other topics related to employee groups.
- Special Education** Because of the record keeping and procedures involved in providing educational services to children with disabilities, many school districts have an administrator whose primary responsibilities are for special education programs and services. (See section on Special Education, page 45.)
- This person can respond to questions about special education programs and services offered by the district, those offered by other agencies in the area, the numbers and ages of the children being served, the procedures used for determining eligibility for special programs and program costs.
- Public Information/  
Community Relations** In larger school districts, someone on the superintendent's staff has specific responsibility for the district's public information, community relations or public relations. This person can assist you in a variety of ways: providing background information; putting you in touch with the right person to talk with about a particular issue; getting the information you need when you need it; suggesting events, issues and other topics you may want to cover.

**Building Principals** Building principals are responsible for the operation and administration of the individual schools. A principal works with the building's school council to determine the kinds of programs offered to students in that school. Principals evaluate their staffs. They may be directly responsible for recommending who should be hired to fill vacancies in their buildings and which staff members should not be rehired.

Be sure to check with the building principal whenever you want to cover a story or event in a building. For security reasons, the principal needs to know who is visiting in the building. The principal also can be helpful in providing background information and other details about the story you are there to cover.

**Teachers** Teachers are hired to teach students at specific grade levels in grades kindergarten through eight, or for specific subject areas in grades seven through 12. They are expected to follow state and district guidelines for the grade levels or subject areas they teach.

What happens in the classroom between teacher and student is the essence of education. You can find stories about classroom activities through:

- School board agenda items related to curriculum.
- Informal discussions with the superintendent, the public information officer and other administrators.
- A request that you be added to the mailing list for building newsletters.
- Regular review of a school district or school's Web site.

Stories about what's happening in the classroom will give your readers information about:

- What teachers are teaching.
- How a subject is being taught.
- The results schools are getting for the tax dollars spent.

**Licensing Requirements** In Oregon, teachers and administrators are required to hold licenses issued by the Teacher Standards and Practices Commission (TSPC). Licenses for teachers designate the grade levels and/or subject areas they may teach. Administrative licenses have supervisory, principal or superintendent designations.

In addition, the revised federal Elementary and Secondary Education Act (ESEA), also called the No Child Left Behind (NCLB) Act of 2001, requires all of a district's teachers in nine core curriculum subjects to meet NCLB standards for being highly qualified by the 2005-2006 school years. (See Teacher Qualifications, page 22, and Federal Programs, Title II, page 42.)

Under Oregon law, the first three years of employment with a school district are considered probationary. Probationary teachers and administrators are evaluated annually.

Once teachers or eligible administrators are employed for a fourth consecutive school year, they gain contract status. [ORS 342.815(5)] Contract teachers and administrators are evaluated as determined by the school board and termination of their employment is subject to the Accountability for Schools for the 21st Century Law. [ORS 342.845, 342.850(2) and 342.865 to 342.910]

**Support Staff** Support staff, generally referred to as classified staff, includes maintenance, food service and transportation workers, custodians, educational assistants and clerical personnel. The person responsible for business operations, or for personnel, can tell you the number of people employed on the classified staff and the costs for these operations, as well as about the operations themselves.

School districts are required to maintain buildings and grounds "... in accordance with all applicable Oregon Revised Statutes and Oregon Administrative Rules." School districts also are required to provide student transportation. (See Transportation, this page and pages 56-57.)

**Food Service** Districts are not required to provide food services. However, most districts do provide food services and receive some federal support for doing so.

Districts offering lunch, breakfast and milk programs work to provide these programs on a self-supporting basis. Programs that meet federal guidelines receive federal support as well as commodities from the federal government.

School districts that participate in federal Title I programs or have 25 percent or more students eligible for free or reduced price lunches are required to offer breakfast programs. (See School Nutrition, page 47.)

**Transportation** The State School Fund distribution formula requires all school districts to provide transportation to elementary students living more than one mile from school and secondary students living more than 1.5 miles from school.

The State School Fund reimburses 70 percent of approved transportation costs, which include:

- Transporting students for health or safety reasons or special education purposes.
- Transporting disabled preschool children requiring early intervention services.
- Transporting students between schools or facilities during the school day or week.
- Transporting students participating in school-sponsored field trips that are extensions of classroom learning experiences.

Approved transportation costs also include room and board in lieu of transportation.

**Contracted Services** Currently, the question being debated by some school boards is whether support services should be provided by employees the district hires or through contracts with private firms. Many school districts now do the latter. When a district contracts for food, transportation, maintenance or custodial services, it saves

the direct payment of payroll costs incurred for these employees, specifically Public Employees Retirement System and other fringe benefit payments.

Employees hired by contractors providing services to schools are not subject to rules and regulations that govern schools.

## **Criminal Records Check**

Legislation passed by the 1993 and 1995 Legislature requires nearly all school district employees and school district contractors to submit their fingerprints for a nationwide criminal background check.

The Teacher Standards and Practices Commission (TSPC) requires teachers, administrators, personnel specialists or school nurses applying for initial licenses to submit their fingerprints for nationwide criminal background checks. Individuals registering with TSPC for student teaching, practicum or teacher internships also must submit their fingerprints. [ORS 181.539(4)(a)]

School employees not licensed by TSPC but who have direct unsupervised contact with students must submit their fingerprints to the state Department of Education for nationwide criminal background checks. These employees include instructional assistants, bus drivers, secretaries, cooks, custodians and other support staff. [ORS 181.539(4)(e)]

Individuals who are required to have criminal background checks either by TSPC or the Department of Education cannot be employed by a school district if they:

- Were convicted of any crime and failed to disclose that conviction to TSPC or the Department of Education [ORS 342.223(2), 342.865(1)(f), 326.603(4) and 326.603(6)(a)],
- Were convicted of any crime listed in ORS 342.143, or
- Refused to submit their fingerprints for a criminal background check. [ORS 342.223(2), 342.865(1)(f), 326.603(4) and 326.603(6)(a)]

If TSPC does not renew an employee's license because that employee was convicted for a crime listed in ORS 342.143, or for failing to disclose a conviction, that employee must be dismissed. The dismissed employee is denied any rights under school district policies, collective bargaining contract provisions regarding dismissal procedures and appeals or the Accountability for Schools for the 21st Century Law. [ORS 342.223(2), 342.143, 342.175(2) and 342.865(4)]

If the Department of Education determines that a classified employee was convicted of a crime listed in ORS 342.143, or has failed to disclose a conviction, the state Superintendent of Public Instruction notifies the school district and the district cannot employ or contract with that individual. The classified employee also is denied any rights under school district policies and collective bargaining contract provisions regarding dismissal procedures and appeals when the district receives notification from the state superintendent that the person cannot be employed. [ORS 326.603(3)]

School districts also may require volunteers who have direct unsupervised contact with students to submit to an Oregon criminal background check conducted by the Oregon Department of Education. (ORS 326.607)

## **Student Records**

Federal and state laws govern school districts' release, retention and transfer of student education records. These laws require school districts to have policies regarding student education records that address parents' and students' rights, define the district's responsibilities and define the information included in student education records. (ORS 326.565 and 336.187 and OAR 581-021-0220 and 581-021-0440)

Directory information means those items of personally identifiable information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include and is not limited to, the student's name, address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

Each district defines directory information in its school board policies. Parents are told, in writing, at the beginning of each school year, what information the district considers directory information available to the general public. Parents are told directory information is released unless the parent notifies the district by a certain date not to do so.

The news media has access to directory information through procedures set up in school district policies. In addition, once a school or school district gives media representatives access to students, it cannot then require the media to obtain parental permission to use any of the information gathered from students.





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# THE SCHOOL CURRICULUM

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## Chapter 2

**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# Contents

<b>The School Curriculum</b>	<b>13</b>
Oregon's Educational Act for the 21st Century	13
No Child Left Behind Act	13
Public Accountability	14
Adequate Yearly Progress	15
National Comparison of Student Achievement	15
Statewide Testing in Oregon	16
<i>Scores Required to Meet Standards on Statewide Assessments</i>	17
Classroom Work Samples	17
College Admission Tests	17
ACT	17
SAT	17
Report Card Requirements	18
Oregon's Statewide Report Card	18
No Child Left Behind	19
SAT Scores	19
Individual School and District Report Cards	20
Alternative Programs	21
Local Requirements	21
21st Century Schools Councils	22
Teacher Qualifications	22
Textbook Selection	22
School Attendance	23
School Calendar	23
Home Schooling	24
High School Completion Requirements	25
Dropout Rates	25
Early Childhood Education	26
Pre-Kindergarten	26
Charter Schools in Oregon	27
Definition of Charter School	27
Public Charter School Sponsors	27
Charter Proposal Requirements	28
Criteria for Reviewing Applications	28
Application Review Timeline	29
Charter Application Denial	29
Charter Termination	29
Student Selection	30
Employee Selection and Collective Bargaining Rights	30
Teacher License Requirements	30
Student Transportation	30
Charter Schools Funding	30
<i>Charter School Application Process</i>	32
<b>Education Improvement in Oregon</b>	<b>33</b>
1983	33
1984	33
1987	33
1989	34
1991	35
Oregon's Educational Act for the 21st Century	35
1993	36

1995	36
1997	37
1997-2000	38
1999	38
Nov. 2000	38
2001	39
2002	39
2003	39
2005	40
<b>Federal Programs</b>	<b>41</b>
No Child Left Behind (NCLB) Act of 2001	41
Title I	41
Title II	42
E-Rate	42
Title III	43
Title IV	43
Competitive Grant Programs	43
Special Education	45
Programs	45
Cost	46
Vocational and Technical Education	46
School Nutrition	47

# The School Curriculum

Education, especially news about student achievement and what's happening in classrooms, continues to hold high interest among community members in Oregon and nationally. The public, including parents, teachers and students, believes that setting standards and enforcing them promotes learning, according to Public Agenda in its "Where We Are Now" report of survey research about schools conducted over the past decade. However, public opinion on what those standards should be and how to enforce them is divided, according to the Public Agenda report and the 2004 36<sup>th</sup> Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes toward the Public Schools.\*

## Oregon's Educational Act for the 21st Century

Oregon's Educational Act for the 21st Century, enacted in 1991 and amended in each legislative session since 1991, was designed to set standards for all Oregon students and schools. Instead of measuring the amount of time students spend in classrooms to earn a diploma, schools in Oregon are required to define what they expect students to know and be able to do in basic subject areas and then measure student progress toward those goals through class assignments and tests.

The Act's goal was to ensure that Oregon public school students not only mastered basic skills and met high standards but also could apply those skills as adults. It encouraged school districts to develop a curriculum, kindergarten through grade 12, to help students achieve state standards for Certificates of Initial Mastery (CIM) and Certificates of Advanced Mastery (CAM). State tests were developed and administered in grades 3, 5, 8 and 10 to measure student progress in meeting these standards.

## No Child Left Behind Act

In January 2002, President George W. Bush signed into law the revised Elementary and Secondary Education Act (ESEA), also called the No Child Left Behind (NCLB) Act of 2001. This law represents the most significant change in federal education policy since the first ESEA was enacted in 1965. It impacts the way public education is conducted in every state and school that receives federal ESEA funding. Consequently, the 1,180-page NCLB Act continues to be analyzed and implemented by state departments of education across the U.S., making it impossible to provide a definitive explanation of many of the federal mandates and the state programs implementing them.

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\* *Where We Are Now: 12 Things You Need to Know about Public Opinion and Public Schools*, 2003, Public Agenda, 6 East 39<sup>th</sup> Street, New York, NY 10016; telephone 212-686-6610; or available in PDF format at [www.publicagenda.org](http://www.publicagenda.org).

36<sup>th</sup> Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes toward the Public Schools, 2004, Phi Delta Kappa International, Bloomington, IN, [www.pdkintl.org](http://www.pdkintl.org).

The No Child Left Behind Act (NCLB) does require:

- Annual testing in reading and math for all students grades 3-8 and 10;
- Regular reporting of test results to parents and the public;
- Fully qualified teachers in every classroom; and
- Greater choice for students in chronically failing schools.

States are free to develop their own systems of accountability based on state standards and assessments. Once those systems are in place, states are rewarded for improving student performance. However, if states fail to make sufficient progress, as defined by the law, they risk losing part of their federal funding. Individual schools that fail to show student progress from year to year in all demographic groups can be sanctioned and eventually reconstituted or closed.

Because of changes still in progress to align Oregon's education standards and requirements with the new federal law, this Curriculum section of *Covering Education* includes only general information about state and federal education standards and requirements. However, this section does include the Oregon School Boards Association, Oregon Department of Education and other state, federal and national resources that can be accessed on the Internet for current and detailed information about state and federal education laws, standards and requirements.

For details about Oregon Educational Act requirements, contact the Office of Educational Support Services, Communications Team at the Oregon Department of Education, (503) 378-3600. See ORS Chapter 329 for Oregon's Educational Act for the 21st Century statutes, [http://www.oregon.gov/menu-topic/laws\\_and\\_rules.shtml](http://www.oregon.gov/menu-topic/laws_and_rules.shtml), or [www.ode.state.or.us](http://www.ode.state.or.us) for current requirements and rules.

For details about the federal NCLB requirements, see information and links to additional information at [www.osba.org](http://www.osba.org), or the U.S. Department of Education, [www.ed.gov](http://www.ed.gov).

## Public Accountability

Both Oregon's Educational Act for the 21st Century and NCLB require the state and school districts to be more accountable for student achievement. Under Oregon's law being accountable includes:

- State and local assessments, with statewide testing for grades 3-8 and 10
- SAT results (see page 19)
- Publication of an annual statewide report card
- Providing alternative programs for students not meeting or exceeding state standards
- Tracking the dropout rate

Under NCLB being accountable includes requirements for:

- Alignment of course content and assessment
- Annual student testing in grades 3-8 and 10
- Adequate yearly progress
- School and district report cards

NCLB also includes sanctions for schools that perform poorly and recognition and rewards for high performing schools and teachers.

### **Adequate Yearly Progress**

Under NCLB states must adopt a single statewide accountability system for defining “adequate yearly progress” (AYP) for all students, including those in charter schools. In 2002 the Oregon Department of Education organized a work group of educators, board members, parents and the public to define what “adequate yearly progress” means in Oregon. The definition includes goals and guidelines for data collection and tracking progress for students who are:

- Economically disadvantaged
- Members of major racial or ethnic groups
- Disabled
- English language learners

### **National Comparison of Student Achievement**

The National Assessment of Education Progress (NAEP), also known as “the Nation’s Report Card,” is a general indicator of what students in Oregon and across the nation know and can do. In addition, it is the only assessment that allows states to compare the performance of their students with students in other states and regions.

NAEP has conducted nationwide representative assessments since 1969 in a number of subjects, including reading, mathematics, science, writing, U.S. history, civics, geography and the arts. In 1990 NAEP implemented State NAEP. Participating states, including Oregon, receive assessment results reported by student performance in that state. Beginning in 2003, the NCLB Act requires states and school districts that receive federal funding to aid educationally disadvantaged students to administer NAEP assessments in reading and mathematics at grades 4 and 8 every two years.

In keeping with Oregon’s inclusion policies, NAEP endeavors to assess all students who are selected as part of its sampling process, including students who are classified by their schools as students with disabilities (SD) and/or as English-language learners (ELL) or limited English proficient (LEP). NAEP does make accommodations for students who have Individual Educational Plans (IEP) that list specific needs such as large print booklets, bilingual mathematics booklets, one-on-one administration or extended time.

Unlike the results of Oregon's statewide testing program, NAEP does not provide individual scores for students, schools or districts because:

- Each student only takes a portion of the overall assessment (about 25%), so only when the scores are aggregated across the state, region or nation are the data considered valid and reliable estimates of what students know and can do in the subject area;
- Typically, only a small number of students in a school participate, which is not a valid representation of the participating school's population; and
- Federal law requires confidentiality for NAEP data, so all personally identifiable information about students and individual schools is removed at the school on the data of the assessment before the text booklets and demographic information are sent to NAEP.

NAEP reports average scale scores and achievement levels. Average scale scores for reading and mathematics are 0-500 and writing and science are 0-300. NAEP's achievement levels are defined as:

- **Basic**, which denotes partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.
- **Proficient**, which represents solid academic performance for each grade assessed. Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real world situations and analytical skills appropriate to the subject matter.
- **Advanced** signifies superior performance.

## Statewide Testing in Oregon

Oregon's statewide testing program in reading and mathematics for grade 3 and reading, writing and mathematics for grades 5, 8 and 10 started in the spring of 1991. Mathematics problem solving tests began in 1997 for grades 5, 8 and 10. In 2001, science was added to the list of subjects tested for grades 8 and 10, and the following year it was expanded to include grade 5. Beginning in 2005, writing will be assessed at grades 4 and 7 instead of grades 3, 5 and 8.

Statewide tests are "criterion-referenced," meaning student performance is evaluated against predetermined standards leading to the Certificate of Initial Mastery (CIM) awarded during the high school years. At grades 3, 5 and 8, the tests measure student progress toward grade level expectations. At grade 10, the tests measure progress toward the Certificate of Initial Mastery. To earn the CIM, students must meet requirements on statewide assessments and on classroom work samples.

The following table shows the total scores required to meet state standards at each grade level and the total number of points possible on each test.

<b>Scores Required to Meet Standards on Statewide Assessments</b>				
<i>Total Score required to Meet Standards/Total Points Possible</i>				
Grade Level	Grade 3	Grade 5	Grade 8	Grade 10
Reading/Literature	201/300	215/300	231/300	239/300
Writing	NA	40/60	40/60	40/60
Mathematics	202/300	215/300	231/300	239/300
Mathematics Problem Solving	NA	40/58	40/58	40/58
Science	NA	223/300	233/300	239/300

For more information about state tests and efforts to align state testing requirements and reporting with federal NCLB Act mandates, contact the Assessment Scoring and Reporting Coordinator at the Oregon Department of Education at (503) 378-3600 or see Assessment/Testing or Test Results on the ODE Web site, [www.ode.state.or.us](http://www.ode.state.or.us).

### **Classroom Work Samples**

In addition to state tests, student progress at grades 3, 5 and 8 and progress toward the Certificate of Initial Mastery are measured through classroom work samples. Work samples are classroom assignments such as papers, projects or presentations. Teachers score these assignments using a state scoring guide. Students in grades 3, 5 and 8 are expected to produce one work sample meeting scoring guide standards in each of the following four subject areas: writing, speaking, mathematics and science. For the Certificate of Initial Mastery, students are expected to produce the following number of work samples meeting scoring guide standards: writing, 3; speaking, 3; mathematics, 2; science 1.

### **College Admission Tests**

Students preparing for the end of their high school education take a variety of tests or go through other screening procedures for admission to various post-secondary programs. The two most widely established college admissions tests are the American College Testing Program (ACT) and the Scholastic Assessment Test (SAT).

**ACT** The ACT tests student knowledge in English, math, reading and science reasoning. Oregon ACT test scores reflect the achievement of a relatively small number of graduating seniors (only 12.2 percent, or 4,125 students in 2004). Nationwide, 39.6 percent of graduating seniors (1,171,460 students) were tested.

**SAT** The College Board, which administers the SAT test, no longer refers to the test as the Scholastic Assessment Test. It is now simply called the SAT. The SAT scores for individual schools



are reported as part of the school report cards released annually by the Oregon Department of Education.

National, state and local SAT results for the most recent year's high school graduates are usually announced in late August. The College Board, Princeton, N.J., which conducts the SAT, announces national scores. The state Department of Education announces state scores. The College Board reports local results to individual high schools. If more than six students participate, results also are reported in high schools' report cards issued annually by the Oregon Department of Education. Districts with more than one high school have school-by-school results if they purchased that information from The College Board.

When reporting SAT scores at any level, it is important to note the percentage of students taking the test. The College Board indicates scores generally go down as the percentage of students taking the test climbs.

For more information about Oregon's SAT scores, see Student Testing under Hot Topics on the OSBA Web site, [www.osba.org](http://www.osba.org).

## Report Card Requirements

Beginning in 2004, NCLB requires all school districts and states that receive Title I funding to prepare and distribute annual report cards for each school. Under the federal law the state's report card must provide a great deal of detailed information including:

- Achievement results in math and reading;
- Achievement results separated by race/ethnicity, disability, socioeconomic level, gender, migrant status and English language learners;
- Graduation rates;
- Number and names of schools identified as needing improvement; and
- Teacher qualifications.

School district report cards must include achievement results comparing the district with the state as a whole as well identifying which district schools, if any, need improvement.

This federally required report card is included in the state-required report card each year (see page 20).

### Oregon's Statewide Report Card

The Oregon Statewide Report Card (SRC) is an annual publication required by law (ORS 329.115), which reports on the state of public schools and their progress towards the goals of the Oregon Educational Act for the 21<sup>st</sup> Century. The purpose of the Statewide Report Card is to provide an overview of the trends in Oregon schools concerning academic achievement, special program offerings, student and staff characteristics, funding and other significant information. The scope of this publication is statewide, compared to the School and District Report Cards, which focus on the individual schools and districts.

Oregon measures student performance and progress in several

ways: through the Oregon State Assessment Tests (OSAT) administered to grades 3, 5, 8 and 10 in reading, writing, mathematics and science; through national achievement tests, such as the National Assessment of Educational Progress (NAEP); and through college admissions tests such as the SAT and ACT. In addition, graduation and dropout rates, as well as a statewide overview of school and district report cards, provide useful measures of statewide student performance and progress. (Note: Oregon Benchmarks were NOT included in the 2003-04 Report Card because they were too far out of date.)

The Statewide Report Card has been published since 1992. The latest 2003-04 edition is posted on the Department of Education Web site at: [www.ode.state.or.us/data/annreportcard/rpt-card2004.pdf](http://www.ode.state.or.us/data/annreportcard/rpt-card2004.pdf).

NEW in 2003-04 edition of the Statewide Report Card (SRC) are: (Page numbers listed here refer to pages in the printed edition of the Statewide Report Card.)

### ***No Child Left Behind (NCLB)***

- FINAL Adequate Yearly Progress (AYP)(SRC pages 36 and 37)
- Highly Qualified Teachers (SRC page 38)
- Persistently Dangerous Schools (SRC page 39)
- School and District Report Cards (SRC page 40)

All State Assessment Charts for Reading and Math now include a specific line for special education students (SRC pages 4, 5, 8, 9, 12, 13, 16, 17), as well as race/ethnicity

3 years of CIM diplomas, by race/ethnicity (SRC page 28)

Annual Instructional Hours/Days in Session (SRC page 56)

Why Teachers Quit (SRC page 55)

Historical Salary Charts for Superintendents, Principals, Assistant Principals, and Teachers (SRC pages 66-68)

- Actual salaries
- Inflation-adjusted salaries

Latest Resources, including ODE contacts, e-mail addresses, phone numbers and data links (SRC pages 69 & 70)

### ***SAT scores***

- 2004 by race/ethnicity for Oregon and the U.S. (SRC page 24)
- 2003 vs. 2004 (SRC page 26)

District and ESD Operating Revenues by Source (SRC page 65)

Also included in the Statewide Report Card:

- Historical Perspective: Twelve Years of Oregon Students (1992-93 to 2003-04, demographics with percent changes)
- Twelve Years of School Staffing (1992-93 to 2003-04, staffing with percent changes)

- Percentage of Student Enrollment by Type of School (Public, Private, Charter, and Home Schools)
- High School Completion rates by race/ethnicity, gender and year
- Dropout rates by race/ethnicity
- Certificate of Initial Mastery (CIM) requirements
- Certificate of Advanced Mastery (CAM) requirements
- Free and Reduced Price Lunch numbers and percents by school level (elementary, middle, junior high, high, combined)
- District size and student enrollment
- School staff and student demographics
- Student/teacher ratios
- 15 most common languages in Oregon Schools
- Special Program Reports for Special Education, Federal Compensatory Education Programs, Early Childhood Education, Talented and Gifted (TAG), and Alternative Education Programs
- School Funding
  - Operating expenditures per student
  - Graph that shows the shift in sources of public school funds
  - State School Fund Formula Revenue
  - District and ESD Operating Revenues by Source
  - Historical Salary Charts for Superintendents, Principals, Assistant Principals and Teachers

### **Individual School and District Report Cards**

Individual school and district report cards include individual report cards for all of the state's schools and districts. These report cards are available on the ODE Web site *www.ode.state.or.us* in both English and Spanish versions. School districts must annually send a copy of the state-provided school and district report cards to the parents or guardians of each student by March 31. These report cards show the percentage of students meeting standards for the year. Average attendance, dropout rates and the percentages of students taking state tests also are included.

In addition to showing the federally required Adequate Yearly Progress status:

- All **school report cards** include information on teacher characteristics, including percentage with master's degrees, average years of experience teaching and average years of experience in the district. High school report cards include SAT scores. Elementary school report cards include information on class size. Schools may add other local information if they choose.

- **District report cards** include a list of all schools and their overall ratings; student performance districtwide; and information on program participation, dropout and graduation rates, staff characteristics and financial information.

For Report Card questions and contact information, see the OSBA Web site, *www.osba.org*, or the ODE Web site, *www.ode.state.or.us*.

### **Alternative Programs**

Districts must make additional services available for students not meeting the standards or exceeding the standards (e.g., Talented and Gifted programs) in tests given at grades 3, 5, 8 and 10. If, a year later, the student still does not meet or continues to exceed the standards, alternative learning options or other public school placements must be considered.

Oregon schools that receive low or unacceptable ratings must file school improvement plans with the state Superintendent of Public Instruction, the district's school board and the school's 21st Century Schools Council. All schools are required to file improvement plans with their local boards; low performers simply have an added level of reporting.

A limited amount of federal and state funding is available for school improvement grants to assist schools with low ratings. Department staff also provides technical assistance to help these schools improve their performance.

### **Local Requirements**

Alignment of course content and assessment under NCLB requires states to adopt challenging academic content and achievement standards for all students. Achievement standards must be aligned with content standards.

To do this as well as to meet Oregon Educational Act requirements, all Oregon school districts and schools must develop and maintain continuous improvement plans for meeting state and federal NCLB requirements.

To meet annual reporting requirements for continuous improvement planning, the Department of Education encourages districts to use a process that involves:

- Analysis – Data based self-evaluations of district programs
- Goal setting with public input based on the analysis of district programs
- Development of a district action plan that includes activities and strategies that support district and individual school improvement goals
- Procedures to evaluate and measure performance in meeting improvement goals.

Districts must submit to the Oregon Department of Education in May of each year their updated continuous improvement plans, with their application for federal funding included as part of the plan. Course content, course format, teaching materials and teaching methods are local decisions.

## **21st Century Schools Councils**

21st Century Schools Councils were established in 1991 as part of the Oregon Educational Act for the 21st Century. The Act assigned school councils the primary responsibility for developing and implementing the key components of Oregon's school-reform effort in each school building. It also established rules for school council membership. School councils continue to operate in elementary and secondary schools in most Oregon school districts. Information about school councils and their operations is available from local districts.

Neither Oregon's Educational Act nor the existence of school councils changes a school board's authority. School boards are still accountable to their communities for budgeting and educational program decisions.

## **Teacher Qualifications**

All teachers of core academic subjects (English, reading, language arts, math, science, foreign languages, social studies, and the arts) must meet the federal No Child Left Behind (NCLB) Act definition for a highly (fully) qualified teacher by the 2005-06 school year. That means teachers must be fully licensed by the state, hold at least a bachelor's degree, and meet state requirements to demonstrate mastery of subject knowledge, either by exam or a major in the core academic area.

It is possible for a teacher to meet all these qualifications and still not meet the highly qualified definition if a class assignment is outside the teacher's academic license.

Schools that receive funds from the federal government because of their high poverty levels must send letters to parents each fall if a teacher who is not highly qualified is teaching students in one of the core academic areas.

Under this provision of the law, by the 2005-06 school year, all of a district's teachers in nine core curriculum subjects must meet NCLB requirements for being highly qualified.

In addition, by the 2005-2006 school year, all paraprofessionals who work in an instructional capacity in programs supported by federal Title I also must be highly qualified.

In Oregon, small and rural districts will find it especially difficult to meet the "highly qualified" requirements for all teachers and paraprofessionals. There is no additional funding available for increased costs for the professional development, recruitment, retention or higher compensation that districts may incur in meeting this mandate.

For information about NCLB requirements for highly (fully) qualified teachers, see the U.S. Department of Education Web site, [www.ed.gov](http://www.ed.gov), or the ODE Web site, [www.ode.state.or.us](http://www.ode.state.or.us), under Teacher Quality or Report Card – Statewide Annual or Report Cards – School and District.

## **Textbook Selection**

School districts are required to provide textbooks and other instructional materials to all students without charge. (ORS 337.150) Local school boards, with the assistance of teachers and administrators, adopt textbooks and other instructional materials for classroom use. Some districts involve parents and

other citizens in the selection process.

The State Board of Education adopts a list of instructional materials by subject area on a seven-year cycle. The state-adopted list does not limit district options. With local school board approval, districts may use textbooks and other instructional materials not adopted by the state, provided the alternate materials meet guidelines and criteria established by the State Board of Education and the district notifies the state Superintendent of Public Instruction.

**Complaints** – School boards, through board policy, provide a procedure for review of any instructional materials local citizens may find objectionable. The procedure varies from district to district, but generally calls for a committee review of the material in question with a recommendation to the school board for action, if any.

## School Attendance

In Oregon, children between the ages of seven and 18 are required to attend a public school unless they qualify for an exemption under ORS 339.030. To enroll in school, a child must be six years old by September 1. (ORS 339.010 and 339.115)

A child must be five years old by September 1 to attend kindergarten. Children are not required to attend kindergarten, but since July 1, 1989, all Oregon school districts are required to offer kindergarten.

## School Calendar

Each school district board determines its school year calendar based on state requirements for instructional time.

The minimum numbers of instructional hours required are:

- 990 hours for grades 9-12,
- 900 hours for grades 4-8,
- 810 hours for grades 1-3,
- 405 hours for kindergarten.

(OAR 581-22-1620)

Regulations regarding school month, holidays, teachers' holiday pay and Saturday instruction are as follows: (ORS 336.010)

- The common school month consists of 20 days.
- No pupil shall be required to attend school on any Saturday or on any legal school holiday.

Currently, legal school holidays listed in ORS 187.010 are:

Sunday (each Sunday)

New Year's Day, January 1

Martin Luther King, Jr.'s birthday, the third Monday in January

President's Day, the third Monday in February

Memorial Day, the last Monday in May

Independence Day, July 4

Labor Day, the first Monday in September

Veterans' Day, November 11

Thanksgiving, the fourth Thursday in November

Christmas Day, December 25

The following days are not school holidays, but a portion of the day must be set apart and observed in the public schools by appropriate activities:

February 12 – Lincoln's birthday

February 14 – Admission of Oregon into the Union

February 22 – Washington's birthday

October 12 – Columbus Day

If January 15, Martin Luther King Jr.'s actual birthday falls on a school day, a portion of the day must be set apart and observed in the public school by appropriate activities. [ORS 336.010(5)]

Oregon law designates the second week in March as Women in History Week. (ORS 336.025) The first full week in April is Arbor Week. (ORS 336.015)

## Home Schooling

Students may be home schooled at any time. However, to comply with the compulsory attendance law, parents of students between the ages of 7-18 must notify their local Education Service District (ESD) of their intent to home school within 10 days of beginning to home school or withdrawing their child from school or moving to a new ESD region. [ORS339.030. 339035; OAR 581-021-0026(4)]

Home-schooled students must be tested at grades 3, 5, 8 and 10 by a qualified neutral person using one of the following tests:

- California Achievement Test
- Comprehensive Test of Basic Skills
- Iowa Test of Basic Skills/Test of Achievement and Proficiency
- Metropolitan Achievement Battery
- Stanford Achievement Test Battery

A qualified neutral person is defined by OAR581-021-0026(1)(e) and (i).

Participation in interscholastic activities by home-schooled students is allowed under ORS 339.460 and OAR 581-021 and 581-021-0033. The school's athletic director and the Oregon School Activities Association (OSAA), [www.osaa.org](http://www.osaa.org), have the specific eligibility requirements. The home school parent is responsible for any fees charged for participation in such activities.

For more information about home school requirements, see the Oregon Guidelines for Home Schooling and other resources on the ODE Web site, [www.ode.state.or.us](http://www.ode.state.or.us) under Home Schooling.

## High School Completion Requirements

Under Oregon's Educational Act for the 21st Century students receive high school diplomas in addition to Certificates of Initial and Advanced Mastery.

To receive a high school diploma, students must earn at least 22 units of credit. The State Board of Education determines required subject areas. They include: language arts, mathematics, science, social sciences, health, P.E., arts and foreign languages. Local districts may have additional requirements.

By the 2006-2007 school year, high school graduates also are required to:

- Develop an education plan and build an education profile.
- Demonstrate extended application through a collection of evidence. (No performance requirement for diploma.)
- Demonstrate career-related knowledge and skills: personal management, teamwork, communication, problem solving, employment foundations, career development. (No performance requirement for diploma.)
- Participate in career related learning experiences as outlined in the education plan.

These four new diploma requirements, adopted in 2002 for implementation with high school graduates in 2006-07 (or 2004-05 10<sup>th</sup> graders), also lead toward Certificate of Advanced Mastery (CAM) completion. Schools are required to fully implement the CAM by September 2008. To receive the CAM students are required to:

- Meet the Certificate of Initial Mastery (CIM) state knowledge and skills test OR the work sample requirements in English, mathematics and science;
- Meet the state performance standards for the extended application and career-related learning standards; and
- Develop an education plan and education profile and participate in career-related learning experiences.

Students may earn a Certificate of Initial Mastery by meeting the state and local assessment requirements in English, mathematics and science. Students may earn CIM endorsements in social science, the arts, physical education, health and second languages in addition to earning the CIM.

For further information about high school diploma, CIM or CAM requirements and current ODE staff contacts, see the ODE Web site, [www.ode.state.or.us](http://www.ode.state.or.us).

## Dropout Rates

Every year students enter the ninth grade with the expectation of earning a diploma four years later. Many of those entering ninth grade will earn a diploma, but many will not. In 2002-03, the five top reasons students identified for dropping out of high school were:

- Lack of parental support for school



- Too far behind in credits to catch up
- Working more than 15 hours per week
- Dysfunctional home life
- Frequent discipline referrals

The ODE tracks dropout and graduation rates and reports them annually in the publication, *Graduates and Dropouts in Oregon High Schools*. Graduation and dropout rates also are reported in the state, district and high school report cards.

Note: the 2003-04 dropout rates and high school completion rates have not yet been released. ODE is currently changing survey methodology from an aggregate reporting system to collecting the data by individual student record. ODE expects to have the high school completion and dropout rates for 2003-04 calculated by May 2005. In the future, reports should be produced each December.

For information about graduates and dropouts, including the Dropout Manual and graduates and dropouts reports, go to: <http://www.ode.state.or.us/data/schoolanddistrict/students/dropout.aspx>.

## Early Childhood Education

Oregon's Educational Act for the 21st Century recommends early childhood education programs that:

- Apply successful educational practices and research findings on how children learn.
- Acknowledge children's individual differences such as cultural background and learning styles.
- Encourage parent participation.
- Plan children's transitions from preschool through third grade.
- Help families who request it obtain health care and other social services.

### Pre-Kindergarten

Oregon Head Start Pre-Kindergarten, established in 1987 and modeled after the federal Head Start program, provides opportunities for parent involvement and comprehensive education, health, nutrition and mental health services to low-income three- and four-year-old children and their families.

Studies show that children who participate in quality preschool programs are:

- More likely to score higher in reading, writing and mathematics, graduate from high school, find and hold jobs or attend college.
- Less likely to be held back in school, drop out of school, need special education, demonstrate delinquent or antisocial behavior, be arrested or receive public assistance.

Children are eligible for Oregon Head Start Pre-Kindergarten if they are three or four years old and living in households with income below the poverty level. In addition to education, these

programs provide hot meals and ensure immunizations, hearing and vision screening, physical and dental examinations and other services for children.

Parents participate in the program by volunteering in the classroom or in other program areas. They participate in decision-making about program services through the program's Policy Council. Grantees provide training in child development and parenting and assist parents to achieve family goals for self-sufficiency.

Most local Head Start programs receive funding from both federal Head Start and state Oregon Pre-Kindergarten. By law, state Oregon Pre-Kindergarten implements federal Head Start Performance Standards. Consequently, local grantees may receive funding from both sources, but they offer an integrated program for all enrolled children and families. This model of integrated services is further supported by an interagency agreement between ACYF Region X Head Start and the Oregon Department of Education.

For more information about Oregon's Pre-Kindergarten programs and current ODE staff contacts, see Pre-Kindergarten School on the ODE Web site, [www.ode.state.or.us](http://www.ode.state.or.us).

## **Charter Schools**

Oregon's charter school law (ORS Ch. 338) has been in effect since 1999. The number of public charter schools approved by and operating in school districts continues to increase each year. During the 2001-02 school year there were 17 public charter schools operating in Oregon. In 2004-05 there are 56 public charter schools in operation, 54 chartered by local school boards and two chartered by the State Board of Education.

For complete information about Oregon's charter school law and a current listing of Oregon's charter schools, see the Charter School Resource Center on OSBA Web site, [www.osba.org](http://www.osba.org).

### **Definition of Charter School**

A charter school is a public school that receives public funds under a written agreement – a charter – that outlines student performance goals and educational services the public charter school will provide. Charters are excluded from many statutes and rules guiding traditional public schools. In exchange for this freedom from regulation, the public charter school guarantees in its written agreement (charter) certain levels of student performance.

### **Public Charter School Sponsors**

The law allows for only two sponsors: a local school board or the State Board of Education. The state Board can only sponsor a public charter school if a local school board denies the application. Currently, the State Board of Education sponsors two public charter schools: one in Portland and one in Ontario.

The law specifically prohibits private or religious schools from converting to public charter school status.

**Charter Proposal Requirements** A charter school's written proposal must include at least the following:

- Identification of the charter applicant
- Description of the curriculum
- Projected enrollment and the ages or grades to be served
- Address, facilities and physical location of school
- School's proposed budget and financial plan
- Description of staff and teacher qualifications
- Name of the proposed school
- Description of the curriculum's expected results
- Target student population the school will serve
- Description of admission policies and application procedures
- Standards of student behavior and procedures for student discipline, suspension or expulsion
- Date of beginning operation
- Description of the school's philosophy and mission
- Governance structure
- Description of any distinctive learning or teaching techniques
- Statutes and rules that will apply to the school
- School calendar, including length of school day and year
- Arrangements for special education services
- Length of the charter
- How program review and fiscal audits will be conducted
- Plan for insurance or performance bonds
- Information on how community groups will be involved in planning and development
- Plan for what will happen with employees and students if the charter is terminated or not renewed
- Other information the local school board considers relevant to the formation or operation of the public charter school.

(ORS 338.045)

**Criteria for Reviewing Applications** School boards use the following questions, based on the evaluation criteria listed in the law (ORS 338.055), to review charter school applications. Many of the terms used in the law are vague and undefined. Consequently, OSBA advises school boards to define these terms in their policies and procedures for public charter schools. The sample policy OSBA recommends is available on-line in OSBA's Charter School Resource Center section at [www.osba.org](http://www.osba.org).

- Is there demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members?
- Is the applicant capable of providing comprehensive instructional programs?
- Has the applicant answered or addressed the necessary information required by the law and by the school district?
- If the applicants are seeking to convert an existing public school, are there alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school?
- Can the applicant demonstrate financial support for the public charter school? (Examples include grants from the sponsoring school district, fees and support from the community for facility rental, instructional materials, utilities, insurance, etc.)
- Is the applicant capable of providing comprehensive instructional services to students identified as low achieving?
- Is the value of the public charter school outweighed by any (as quoted in the statute) “directly identifiable, significant and adverse impact on the quality of the public education students residing in the school district in which the public charter is located?”
- What are the arrangements to meet the needs of special education students and those with disabilities, as required by law?

**Application Review Timeline** See the flow chart on page 32 for the schedules and steps a local school board must follow after receiving a charter application.

**Charter Application Denial** If a charter application is denied, the applicant may request a review of the school board’s decision by the State Board of Education. Ultimately the state Board may become the sponsor. (See chart page 32.) (OAR 581-020-0331)

**Charter Termination** A charter may be terminated by the sponsor (local school board or State Board of Education) if the charter school fails to:

- Meet the terms of an approved charter, or any provision of ORS Chapter 338,
- Meet the requirements of student performance stated in the charter,
- Correct a violation of federal or state law that is described in ORS 338.115,
- Maintain insurance as described in the charter, or
- Maintain financial stability.

If the charter is terminated, the sponsor must notify the charter’s governing body at least 60 days before the proposed effective date of termination, stating the grounds for termination in the notice. The charter school’s governing body may request a

hearing by the sponsor and may appeal its decision. If a local school board is the sponsor, the appeal is to the State Board of Education. If the state Board is the sponsor, the appeal is to the circuit court in Marion County. (ORS338.105)

**Student Selection**

Enrollment in charter schools is voluntary. Any student living within the district in which the charter school is located may enroll. If applications from resident students exceed the school's capacity by program, class, grade level or building capacity, the charter school must select students through an equitable lottery process.

Special education students may attend charter schools. However, the special education student's resident school district is responsible for providing any required special education and related services.

**Employee Selection and Collective Bargaining Rights**

Staff assignment to a public charter school is voluntary. The charter school's governing body controls employee hiring. The "employer" of public charter school employees may either be the sponsoring entity or the public charter school governing body.

If the local school district is the sponsor *and also* the employer of the public charter school employees, then existing collective bargaining agreements may cover these employees.

Charter school employees may organize to form a bargaining unit and bargain under Oregon's collective bargaining law with their employer if the state Board is the sponsor *and also* the employer, or if the public charter school's governing body is the employer.

**Teacher License Requirements**

At least one-half of the charter school's total full-time equivalent (FTE) teaching and administrative staff must hold valid teaching licenses issued by the Teacher Standards and Practices Commission (TSPC). The other teachers must be registered with the TSPC. Teachers at a public charter school must comply with TSPC's definition of "highly qualified staff" to be in compliance with federal No Child Left Behind Act (NCLB) requirements.

**Student Transportation**

The charter school must provide student transportation and may negotiate with a school district for these services. Districts must provide transportation to students attending charter schools within their boundaries in the same manner they currently provide transportation to students attending private schools within their boundaries. Students must use current bus stops and routes. School districts are not required to alter or add bus routes to provide these transportation services.

Charter school student transportation costs are reimbursed by the state at the same rate as are other transportation costs.

**Charter Schools Funding**

Charter schools are funded out of the State School Fund. Charter school students are considered residents of the school district in which the public charter school is located for purposes of distributing the State School Fund unless the student

is eligible for special education and related services under the federal Individual with Disabilities Education and Improvement Act (IDEIA). Under Oregon's charter school law, the resident district of the student that is eligible for special education and related services maintains legal and financial responsibility for that student. The resident district must enter into a contract to fund the educational program for the student with disabilities at the charter school.

Funding for students with disabilities is similar to funding for students that are not eligible for special education and related services. Under ORS Chapter 338, students with disabilities generate an additional weight factor in the state school fund formula. The resident district must minimally transfer to the charter school either 40 percent of the double weight, if student is K-8, or 47.5 percent of the double weight, if the student is in grades 9 through 12.

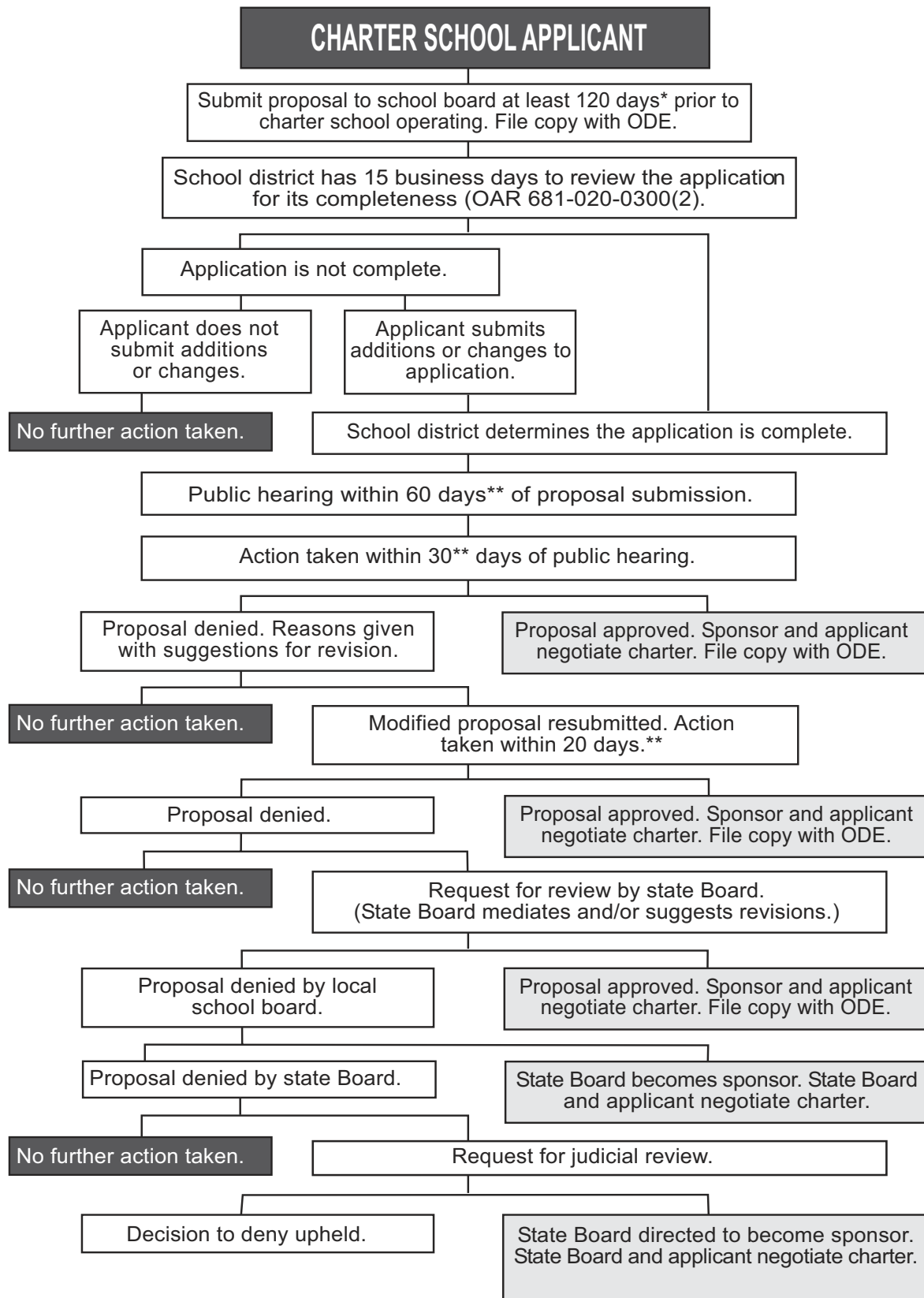
There are two funding levels, based on the charter school's sponsorship:

1. If a school district is the sponsor, it must contract with the charter school to pay for educational services. The payment must equal an amount per weighted average daily membership (ADMw) that is at least equal to: 80 percent of the amount of the school district's General Purpose Grant per ADMw for students in grades K-8; and 95 percent of the amount of the school district's General Purpose Grant per ADMw for students in grades 9-12.
2. If the State Board of Education is the sponsor, the school district in which the charter school is located must contract with the charter school to pay for educational services for charter school students. The payment must equal an amount per ADMw of the charter school that is at least equal to: 90 percent of the amount of the school district's General Purpose Grant per ADMw for students in grades K-8; and 95 percent of the amount of the school district's General Purpose Grant per ADMw for students in grades 9-12.

A school district and a charter school may negotiate contracts that pay more than the preceding examples. School districts legally are required to forward payment for educational services to the public charter school within 10 days after receiving the funds from the State School Fund through the Oregon Department of Education.

(ORS 338.155)

# Charter School Application Process



# Education Improvement in Oregon

**1983** *A Nation At Risk* report (U.S. Department of Education)

## **1984** First wave of improvement

State Board of Education adopted Oregon Action Plan for Excellence. The plan included:

- State Curriculum Goals and Essential Learning Skills. Curriculum goals included:
  - Learning skills: reading, writing, speaking, listening, math, critical thinking, scientific method and study skills;
  - Knowledge in: art, health, language arts, math, science, music, physical education, social studies, career development, personal finance, economics and computer literacy.
- Increased high school graduation requirements from 21 to 22 credits and measures for student performance.
- Required districts to assess students' academic performance in grades 3, 5, 8 and 11 through locally developed tests or state-approved commercial tests.
  - State required to assess, on a sample basis, one grade level in one content area on a biennial basis.
  - State also required to monitor schools on standards set by statute and by the State Board of Education. Standards included desk audits and some on-site visits.
- Adjusted instructional time.
  - Introduced time management/organizational strategies.
  - Established 175 days as minimum school year.

**1987** **Safety Net:** voters approved Constitutional amendment to guarantee funding at prior year's level.

Governor's 30-member Commission on School Funding Reform issued its report.

*Short-Term proposals* called for:

- Updated tax bases for all school districts.
- Increased state financial support for all districts with increase equal to consumer price index.
- Provisions for funding equity.
- Increased state aid for handicapped students.
- Increased state role in student assessment and program evaluation.
- State tests for all students in grades 3, 5, 8, 11 in required content.
- On-site monitoring visits to each district every six years and district self-evaluations every two years.



***Long-Term proposals*** called for:

- Establishing a new school funding program with increased state support to reduce local property taxes (sales tax).
- Defining basic education in statute and funding it by the state.
- Updating all property assessments.
- Unifying districts into K-12 systems.
- Merging small districts and ESDs (regional service centers).
- Requiring districts to do long-range planning (3-5 years).
- Reporting annually to the public by districts.

**Second wave of improvement established**

- Grant programs for school improvement and staff development.
- Beginning teacher support program.
- School-based decision making (site councils).
- Teacher corps (student loans).
- Professional development centers (three staff development centers for the state).
- Oregon ED-NET Planning Commission proposal for a statewide telecommunications delivery system for two-way live instruction.
- Two + two cooperative programs between high schools and community colleges.
- No dollars allocated to monitor state standards.

**1989 Third wave of improvement**

- Districts allowed to secure waivers from law and rules to accomplish local district goals.
- School improvement, staff development grants continued.
- State funded assessment for all students in grades 3, 5, 8 and 11 in required content.
- Standardization visits to all schools every six years.
- Oregon ED-NET funded and implemented (more than 100 sites established).
- Oregon Progress Board established by legislature. A nine-person board appointed by the governor established a strategic vision for Oregon. The Benchmarks (160 indicators) offered a tangible system to measure achievement in three basic categories:
  - Exceptional people
  - Outstanding quality of life
  - Diverse, robust economy

## 1991 Fourth wave of improvement

- Oregon's Educational Act for the 21st Century established a systemic strategy to produce the best educated citizens in the nation by the year 2000 and a workforce equal to any in the world by the year 2010.
- Workforce 2000 bill connected high schools and community colleges.
- Workforce Quality Act established Workforce Quality Councils to coordinate various sectors related to education, training and human services.
- Young Apprenticeship Training Act brought education, business and labor together.
- Unification of union high schools with their component elementary schools and districts not offering high school with districts offering K-12 is required.
- Eliminated State Textbook Commission.
- Allocated \$4 million for research and development to begin implementation of educational act.

### Oregon's Educational Act for the 21st Century

Established a blueprint for change. Major goals were to have:

- Best educated citizens in the nation by 2000,
- A workforce equal to any in the world by 2010.

Major provisions included:

- Early Childhood Development
  - Head Start (50 percent of eligible children by 1996; 100 percent by 1998)
  - Non-graded Primary (pilot)
- Curriculum Improvement
  - Curriculum framework
  - Certificate of Initial Mastery (CIM)
  - Certificate of Advanced Mastery (CAM)
- World Class Standards
  - Curriculum content (knowledge and skills)
  - Student achievement
- Student assessment (testing)
  - Grades 3, 5, 8, 10 (essential curriculum and skill areas)
  - Performance methods (problem solving, portfolios)
- On-site assistance for schools (teams of distinguished Oregon educators)
- Alternative learning environments including learning centers (special assistance for at-risk and dropout students, but available for all students)
- Public School Choice
  - For students who are not successful in resident school
  - For students who have completed their CIM and are working toward CAM

- Transition from school to work
  - Internships
  - Work Study
  - Structured work experience
- School-based decision making (school councils at all buildings by 1995)
- Delivery of some social services at or near schools, e.g., Health Services, Children Services Division, Aid for Dependent Children
- Longer school year — 220 days by 2010 (if funding is available)
- Oregon Report Card — An annual report to the public by the state Superintendent of Public Instruction on the condition of education in Oregon and progress on Oregon’s Educational Act for the 21st Century
- Indicated changes which involve significant additional dollars will not be mandated without “adequate funding.” Did not define “adequate funding.”

### **1993 Improvement Continued**

- The 1993 Legislature continued support for Oregon’s Educational Act for the 21st Century.
  - \$12 million allocated to fund staff development, assessment and pilot projects related to the educational act.
  - \$1.5 million allocated to Department of Education operations for additional staff support for 21st Century School Councils.
- Required Education service districts merger as another phase of school improvement.

### **1995 Oregon’s Educational Act for the 21st Century revised**

Major goals were to:

- Have best educated citizens in the nation and the world.
- Achieve highest standards of academic content and performance.
- Provide lifelong academic skills that prepare students for ever-changing world.

Other major changes included:

- Public Accountability
  - Annual statewide Report Card
  - Local district and school self-evaluations every two years
  - Increased parent involvement
  - Alternative programs for students either not meeting or exceeding the academic standards
  - Diplomas issued
  - Students given grades
  - Academic content and performance tested statewide at grades 3, 5, 8, 10

- Certificates of Initial Mastery (CIM)
  - K-10 program by 1998-99
  - Content and performance assessments
  - Portfolios optional
  - State academic standards in content areas
  - Local standards in all other areas
- Certificates of Advanced Mastery (CAM)
  - To begin two years after standards adopted by state
  - Included two years of study with rigorous academic standards
  - Prepared students for post-high school
  - Provided combination of work-related learning and study
- Extended school year goals repealed
- Serve all Head Start eligible children by 2004 if funding available
- School site social services at local district's discretion
- More local control of:
  - Curriculum
  - Course content, format, materials
  - Teaching methods
  - Academic standards in many areas
  - Student second language proficiency
- 21st Century School Councils
  - One in every building
  - Composition locally decided
  - School board's role defined
- Timeline extensions made available for districts showing need.
- Clarified education service district merger procedures and reduced number of ESDs from 29 to 20. (See section on Education Service Districts, page 87.)

**1997** Oregon's Educational Act for the 21st Century amended to modify timelines for implementation of the Certificate of Advanced Mastery (CAM).

- Directed the State Board of Education to adopt final standards and rules for the CAM with endorsements prior to March 1, 2000.
- Clarified that school districts are not required to award the CAM prior to Sept. 1, 2004 (the 2004-05 school year).
- Directed the State Board of Education to establish incentive programs to encourage schools to implement the CAM programs prior to Sept. 1, 2004.
- Required school districts to demonstrate continued progress toward the development and implementation of CAM programs prior to statewide implementation.

**1997-2000** Oregon House Speaker Lynn Lundquist (R-Powell Butte) forms Legislative Council on the Quality Education Model, aimed at helping determine the appropriate level of funding needed to help students reach state educational standards. The Council's 1999 report becomes model used by the Quality Education Commission, appointed in 1999 by the Governor and state Superintendent of Public Instruction. The resulting report provides a framework for analyzing funding decisions. The prototypes also enable schools to forecast reasonable educational outcomes based on the resources received.

**1999** Oregon's Educational Act for the 21st Century amended as follows:

- Delayed from the end of the 2001-02 school year to the end of the 2004-05 school year the requirement that, prior to high school graduation, all students complete instruction in a second language.
- Directed the state Department of Education to develop academic content standards in Oregon Studies by the 2001-02 school year. "Oregon Studies" means the history, geography, economics and civics of Oregon including municipal, county, tribal and state governments as well as the electoral and legislative processes.
- Directed the state Department of Education to develop content standards in physical education by the 2001-02 school year and required school districts to administer assessments in physical education by the 2003-04 school year.

Other major changes:

- State Report Card revised (ORS 329.105)
  - Creates Oregon's first report cards that rate public schools.
- Oregon Charter schools established (ORS 338)
  - Oregon becomes the 36th state to allow charter schools.

**November 2000** Voters approve a constitutional amendment requiring the Legislature to provide adequate and equitable funding for schools (Section 8):

1. The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law, and publish a report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state's system of public education to meet those goals.
2. Consistent with such legal obligation as it may have to maintain substantial equity in state funding, the Legislative Assembly shall establish a system of Equalization Grants to eligible districts for each year in which the voters of such districts approve local option taxes as described in Article XI, section 11 (4)(a)(B) of this Constitution. The Legislative

Assembly is responsible for determining grant amounts and eligibility criteria.

State funding for schools in 1999-2000 is 70% of operating costs. However, constitutional amendment does not define sufficient and has no teeth for forcing increased spending for schools. [In fact, per student spending in 2002-03 dropped Oregon to 31<sup>st</sup> highest among the states, nearly \$1,000 per student below the national average, according to U.S. Census data.]

- 2001**
- Requirement that students take a minimum of two years of second language instruction prior to graduation from high school eliminated. However, requirement that students must demonstrate proficiency in a second language for a Certificate of Initial Mastery is retained. (ORS 329.487)
  - Period for which a school district may request to waive implementation of provisions of the Educational Act for the 21<sup>st</sup> Century extended from two years to five years. (ORS 329.077 and 329.575)
  - New provisions to encourage school districts to implement programs focused on improving student performance and school personnel satisfaction created and ORS 329.105 amended to modify the information included in state's school district and school performance report cards.
  - ORS 329.485 amended to require that statewide assessments for math problem-solving and writing be given on or after March 1. The act allows the State Board of Education to grant waivers to districts who want earlier testing dates.

**2002** President George W. Bush signs into law the revised Elementary and Secondary Education Act (ESEA), also called the No Child Left Behind (NCLB) Act of 2001. This law represents the most significant change in federal education policy since the first ESEA was enacted in 1965. The 1,180-page NCLB Act impacts the way public education is conducted in every state and school that receives federal ESEA funding.

Specifically, the act requires:

- Annual testing in reading and math for all students grades 3-8 and 10;
- Regular reporting of test results to parents and the public;
- Fully qualified teachers in every classroom; and
- Greater choice for students in chronically failing schools.

**2003** ORS Chapter 329 is amended to modify Oregon Educational Act for the 21<sup>st</sup> Century requirements as follows:

- Implementation of the Certificate of Advanced Mastery (CAM) is delayed from Sept. 1, 2004, to Sept. 1, 2008.
- Number of academic subjects in which students must demonstrate proficiency to receive a Certificate of Initial Mastery (CIM) is reduced to English, mathematics and science – the

same academic subjects for which the federal No Child Left Behind Act requires statewide assessment. (The subjects eliminated are: the arts, physical education, history, geography, economics, civics and second languages.)

- The requirement that the Oregon Department of Education establish standards for English, mathematics, science, history, geography, economics, civics, physical education, the arts and second languages is maintained.
- ODE is directed to develop academic content standards for health.
- ODE must adopt standards and requirements for the CIM and the CAM.
- ODE must develop assessments for history, geography, economics and civics in addition to the existing assessments in English, mathematics and science.
- School districts are required to offer instruction in English, mathematics, science, history, geography, economics, civics, physical education, health, the arts and second languages.
- School districts are allowed to offer CIM endorsements in the arts, physical education, health, history, geography, economics, civics and second languages.
- School districts are allowed to use state assessments in history, geography, economics and civics for CIM endorsements and local assessments based on state standards for endorsements in the arts, physical education, health and second languages.
- ODE and school districts are prohibited from requiring student portfolios as evidence of proficiency for the CIM.
- The State Board of Education must establish a minimum number of work samples that a student must complete in each subject to receive CIM or CAM endorsements.

**2005** See the Legislative section of Oregon School Boards Association's Web site, [www.osba.org](http://www.osba.org), for legislation regarding education being considered or passed by the 2005 Legislature.

# Federal Programs

## No Child Left Behind (NCLB) Act of 2001\*

In January 2002, President George W. Bush signed into law the revised Elementary and Secondary Education Act (ESEA), also called the No Child Left Behind (NCLB) Act of 2001. This law represents the most significant change in federal education policy since the first ESEA was enacted in 1965. The 1,180-page Act impacts the way public education is conducted in every state and school that receives federal ESEA funding.

More than two-thirds of the federal funding for NCLB is distributed to schools in the form of local formula grants. Under these programs, funds are allocated to school districts based on a formula developed at the federal or state levels. Typically, more of these funds are allocated to poorer areas through formulas that are tied to counts of specific categories of students, usually a poverty factor, e.g., the number of students in a school that are eligible for free or reduced price lunch.

NCLB's chief formula grant programs are:

- Title I for economically disadvantaged students
- Title II for teacher training and educational technology
- Title III for immigrant students and those with limited English proficiency
- Title IV for safe and drug free schools and communities.

**Title I Improving the academic achievement of the disadvantaged.** Title I, Part A, is the largest of the Title programs, with almost all of the formula grant dollars going directly to local school districts. Nationwide, in 2004, the “average” district received approximately \$1,200 for each student in poverty. However, at this current level of funding only about half of all eligible students are served.

Schools can use funds for a broad range of services aimed at helping low-achieving students meet state standards. These services include hiring teachers and paraprofessionals, implementing best practices and parent involvement activities and coordinating special support services.

For information about Title I, Part A, requirements, funding and the number of Oregon students and schools participating in Title I, Part A, programs, see *Improving Basic Programs – Title I-A* on the Oregon Department of Education Web site [www.ode.state.or.us](http://www.ode.state.or.us). For federal regulations and funding information, see “*A Guide to Education and No Child Left Behind*” on the U.S. Department of Education’s Web site [www.ed.gov](http://www.ed.gov).

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\* Resource for the information about NCLB Title programs is the National School Boards Association’s Spring 2004 *NCLB Action Alert* available from the association at [www.nsba.org](http://www.nsba.org).



**Title II Preparing, training and recruiting highly-qualified teachers** is designed to assist school districts in recruiting and retaining highly qualified teachers, principals and student services personnel. These funds can be used for scholarships, signing bonuses and differential pay to fill shortages in core academic subjects as well as for professional development programs to help teachers, principals and student services personnel meet NCLB requirements for being highly qualified as well as their state's achievement standards. Funds also can be used as incentives to retain qualified teachers and principals.

Under this provision of the law, by the 2005-06 school year, all of a district's teachers in nine core curriculum subjects must meet NCLB requirements for being highly qualified. By the 2005-2006 school year, all paraprofessionals who work in an instructional capacity in programs supported by federal Title I also must be highly qualified. In Oregon, this requirement will be especially difficult to meet in small and rural districts. There is no additional funding available for increased costs for the professional development, recruitment, retention or higher compensation that districts may incur in meeting this mandate.

**Enhancing education through technologies** redesigns the federal government's previous grant programs into a new grant program for state redistribution to local schools. Half of the funds are distributed by a local formula based on Title I enrollments. The other half of the funding is distributed by competitive grants.

To receive funding, local school districts must show how they would raise all of their students' academic achievement to meet state standards and improve the capacity of teachers to integrate technology into the curriculum and instruction. Funds can be used to increase access to technology through public-private partnerships; to raise achievement through technology-based teaching practices; to support "lead" technology teachers; and to acquire and maintain hardware and software aimed at raising student achievement. The funds also can be used for distance learning and parent involvement.

For information about Title II requirements and funding, see "Teacher Quality" or "Enhancing Ed through Technology" on the Oregon Department of Education Web site [www.ode.state.or.us](http://www.ode.state.or.us). For federal regulations and funding information, see "A Guide to Education and No Child Left Behind" on the U.S. Department of Education's Web site [www.ed.gov](http://www.ed.gov).

**E-Rate** Although it is not a part Title II, the E-Rate is a crucial telecommunications program for schools and libraries. This program provides more than \$2 billion annually in discounts for advanced and affordable telecommunications services, Internet access and internal connections that can be used to support NCLB related activities. Administered through competitive grants by the Federal Communications Commission, the discounts range from 20 to 90 percent and are determined by the percentage of students eligible for the national school lunch program and by the school's urban or rural designation.

Wealthier districts can participate by forming partnerships to share their technology resources with poorer districts.

The program is not subject to the annual congressional budget process and consequently serves as a stable funding stream for many schools across the country. For more information see [www.fcc.gov/learnnet](http://www.fcc.gov/learnnet).

**Title III English Language acquisition** in 2004 allocated nearly \$700 million to the states to fund programs for limited-English-proficient (LEP) students as well as for services for recent immigrants. Title III grants are awarded to an “eligible entity” such as a school district, a group of districts, or a partnership between a district and a community or other organization (Education Service District) and are based on the number of LEP students served throughout the state.

The emphasis of Title III grants is on advancing English proficiency and the general academic achievement needed to meet state standards through instructional and professional development activities. States also can make grants to support a wide range of services for immigrant students in districts or regions that experience increases in immigration.

For information about Title III requirements and funding see “Language Instruction – Limited English and Immigrant” on the Oregon Department of Education Web site [www.ode.state.or.us](http://www.ode.state.or.us). For federal regulations and funding information see “**A Guide to Education and No Child Left Behind**” on the U.S. Department of Education’s Web site [www.ed.gov](http://www.ed.gov).

**Title IV Safe and drug-free schools and communities.** This component of Title IV supports classroom and community programs, including professional development activities to prevent drug use and violence among school-age youth. Funding through grants by states can be used for a wide range of activities such as curriculum development, counseling, metal detectors, community programs and employee background checks.

For information about Title IV requirements and funding, see “Safe and drug-free schools and communities” on the Oregon Department of Education Web site [www.ode.state.or.us](http://www.ode.state.or.us). For federal regulations and funding information, see “*A Guide to Education and No Child Left Behind*” on the U.S. Department of Education’s Web site [www.ed.gov](http://www.ed.gov).

**Competitive Grant Programs** NCLB Competitive Grant Programs are available to individual districts through an application and award process administered by the Oregon Department of Education, unless otherwise noted. In 2004, federal NCLB competitive grant programs included:

- **Reading First** (Title I-B-1) provides grants for reading programs in grades K-3 that are supported by scientifically based research. Priority for these grants is given to districts where students from families with incomes below the poverty line exceed 6,500 or 15 percent of the total enrollment. The grants can be used for a variety of activities, such as screening students, implementing instructional programs,

and providing professional development so reading teachers can attain highly qualified status.

For information about Reading First grant application requirements and awards, see Reading First on the Oregon Department of Education Web site, *www.ode.state.or.us*, and the U.S. Department of Education's Web site, *www.ed.gov*.

- **Early Reading First** (Title I-B-2) grants are awarded by the U.S. Secretary of Education to support age-appropriate prereading programs for preschoolers from families in poverty. See details about Early Reading First application requirements and awards on the Oregon Department of Education Web site, *www.ode.state.or.us*, and the U.S. Department of Education's Web site, *www.ed.gov*.
- **Even Start** (Title I-B-3) is also aimed at building the reading foundation of economically disadvantaged preschoolers. Under this program, the Oregon Department of Education awards grants through family literacy programs so that parents will be better able to serve as their child's first teacher and reinforce the child's work in elementary school. See details about Even Start application requirements and awards on the Oregon Department of Education Web site, *www.ode.state.or.us*, and the U.S. Department of Education's Web site, *www.ed.gov*.
- **21st Century Community Learning Centers (CCLC)** program (Title IV-B) is designed to provide opportunities for academic enrichment, including tutorial services to help students – particularly those who attend low-performing schools – to meet state and local student academic achievement standards in core academic subjects, such as reading and mathematics.

Under this program the Oregon Department of Education (ODE) makes 21st Century Community Learning Center grants available to school districts, community-based and faith-based organizations to offer out-of-school time academic and enrichment services to serve children who attend high-poverty schools. Grants from the state must be over a three- to five-year period, tied to specific principles of effectiveness and carried out in active collaboration with the public schools the children attend.

See details about the CCLC program application requirements and awards on the Oregon Department of Education Web site, *www.ode.state.or.us*, and the U.S. Department of Education's Web site, *www.ed.gov*.

- **Rural Education Initiative** (Title VI-B) enables small districts to participate in NCLB funding even if they are not eligible to fully engage in other grant programs. Federal grant appropriations for Title VI-B are divided equally between the U.S. Secretary of Education and the state departments of education. Under the Small, Rural School Achievement component, the secretary of education can make grants of up to \$60,000 to school districts with fewer than 600 students.

Similarly, under the Rural and Low-Income School program, districts with a low population density and 20 percent or more of their students from low-income families are eligible to receive grants from the state. For both federal and state grants, the funds can be used to conduct formula grant activities authorized by Titles I, II, III and IV.

See details about Rural Education Initiative (Title VI-B) programs, application requirements and awards on the Oregon Department of Education Web site, [www.ode.state.or.us](http://www.ode.state.or.us), and the U.S. Department of Education Web site, [www.ed.gov](http://www.ed.gov).

## Special Education

The Individuals with Disabilities Education Act of 1997 (IDEA), newly reauthorized as the Individuals with Disabilities Education and Improvement Act (IDEIA) in November 2004, is the landmark statute that provides for the education of America's 6.5 million students with disabilities. Originally passed by Congress in 1975, the IDEA guarantees a free appropriate public education in the least restrictive environment to students with disabilities. Specifically the act requires school districts to:

- Identify children eligible for special education services;
- Prepare an individual education program (IEP) for each eligible child developed by a team that includes the child's parents; and
- Provide services as determined by the IEP team in the least restrictive environment.

If parents do not agree with the eligibility, IEP or placement of their child, they may request a due process hearing through the state Superintendent of Public Instruction. A school district also may request a due process hearing if it believes parents are preventing a child from being identified for special education services. Decisions made by a hearings officer may be appealed to the courts.

Children eligible for special education are counted on December 1 of each year. Approximately 13 percent of Oregon's public school students receive special education services.

### Programs

Most of Oregon's children with disabilities attend public schools and spend most of their school day in regular classes. Some students attend special classes at least part of the school day. A small number of children with more complex needs are educated in special classrooms, attend private schools or are in other settings.

The Oregon Department of Education and education service districts assist local school districts by providing specialized services that would be difficult for individual districts to develop and maintain. For example, through the state's Regional Services Program, students with vision impairments receive Braille training from specially trained teachers who work with the students in their local schools.

**Cost** Growth in spending on special education in Oregon has significantly outpaced growth in spending on regular programs. From 1992 to 2000, spending per student on special education programs grew at an average annual rate of 14.3 percent while spending per student on regular instruction grew at an annual average rate of 3 percent. In 1992, Oregon K-12 schools spent \$448 more per student on special education programs. By 2000, the system spent \$1,301 more per student. In 2004, the average cost for educating a disabled child is approximately \$5,171 more than the cost of educating a regular student — or an average of approximately \$12,295 per special education student. Programs for most children with disabilities cost less than \$11,685 per student. However, children with more severe disabilities require more costly services, driving the average cost to \$33,906.

In 2004 the federal government provided approximately \$1,270 for each eligible child served by school districts. Traditionally, local school districts pay for the majority of special education services. As the state assumes a larger role in school funding, the state share of special education costs is increasing. The current formula for distributing State School Funds provides each district with an additional weighted count for every student receiving special education services for up to 11 percent of the district's student population on IEPs. (See State School Fund Distribution Formula, page 57.)

For more information about special education programs and contacts, see the Special Education section of the Oregon Department of Education Web site, [www.ode.state.or.us](http://www.ode.state.or.us), or the U.S. Department of Education, [www.ed.gov](http://www.ed.gov).

## **Vocational and Technical Education**

Signed into law on October 31, 1998, the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III) sets out a vision of vocational and technical education for the 21st century. The central goals of this new vision are improving student achievement and preparing students for postsecondary education, further learning, and careers.

The funding Oregon receives is used for two purposes: 1) to support student attainment of academic and technical knowledge and skills through professional technical programs, and 2) to foster secondary/community college partnerships for the development and implementation of connected career pathway programs. Specific uses vary among the 60 sub-grantees that received this federal funding resource in 2004-05.

Oregon also uses Perkins federal funding to support professional technical education at the Oregon School for the Deaf, Lord High School at McLaren Youth Correctional Institution and Robert Ferrell High School at Hillcrest Youth Correctional Institution.

For further information and current contacts, see Perkins, Carl D., Vocational and Technical Ed on the Oregon Department of Education Web site, [www.ode.state.or.us](http://www.ode.state.or.us), or the U.S. Department of Education, [www.ed.gov](http://www.ed.gov).

## School Nutrition

Oregon receives federal funding and commodity food distribution for five child nutrition programs: school breakfast, school lunch, summer food service, child and adult care food and special milk programs. The funds and commodity food distribution are managed by the Department of Education.

**School Breakfast and Lunch** – Students from households with incomes at or below 130 percent of the federal poverty line or from households receiving food stamps or Temporary Assistance for Needy Families (TANF) receive free meals. Students from households with incomes between 130 and 185 percent of the federal poverty line receive meals at reduced rates.

State law requires schools with at least 25 percent of their students receiving free or reduced-price lunches also to serve breakfast.

**Summer Food Service** – The summer food services program provides meals to children during summer vacation. Schools in low-income areas are preferred sponsors, but Boys and Girls Clubs, churches and YMCAs in low-income areas also serve free meals to all participating children regardless of income.

**Child and Adult Care Food Program** receives federal funds to provide meals in nonprofit day care centers, Head Start centers, family day care homes, outside-school-hours programs and adult day care centers.

**Milk Program** – Under this program the federal government provides funds to serve milk each school day to children in schools and institutions that do not serve breakfast or lunch.

For more information about school nutrition programs, see the Nutrition section of the Oregon Department of Education Web site, [www.ode.state.or.us](http://www.ode.state.or.us), or the U.S. Department of Agriculture Web site, [www.fns.usda.gov/cnd/lunch](http://www.fns.usda.gov/cnd/lunch).



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# UNDERSTANDING THE SCHOOL BUDGET

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## Chapter 3

**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# CONTENTS

<b>Understanding the School Budget</b>	<b>49</b>
State Funding	49
<i>State Share of K-12 School Support</i>	50
<i>State General Fund and Lottery Budget</i>	50
<i>K-12 Funding</i>	51
Local Option	51
The Budget Committee	52
Presenting the Budget	53
Budget Approval	53
Bond Levies	54
Election Dates	55
Vote-By-Mail	55
The Budget Document	55
Current Expenditures	55
Capital Outlay	55
Debt Service	55
Transfers	56
Revenue Sources	56
State School Fund	56
State School Fund: The Move to Equity	56
Local Property Taxes	56
<i>School Funding Formula</i>	57
Federal Aid	58
Other Sources	58
Computing Taxes	58
Reading the Budget	59
Budget Terminology	60
Budget Forms	63
<i>School District Budget Process and Fiscal Year Revenue Flowchart</i>	71



# Understanding the School Budget

Understanding school finance begins with understanding the school budget, the impacts of Oregon's property tax limitation ballot measures that were approved by voters in the 1990s and the state's school funding formula.

In Oregon, the Local Budget Law and Oregon Administrative Rules set standard procedures for preparing, presenting and administering local government budgets. All government agencies, including schools, must follow them. In fact, no local public agency can spend money or levy taxes unless it complies with the Local Budget Law. (ORS 294.305 to 294.565)

The format of school budgets is determined by the Oregon Department of Education. Elementary/secondary school districts follow one format. Education service districts voluntarily follow the same format. Community colleges follow another prescribed format. However, both systems follow a program budget format with standardized charts of accounts for budgeting and accounting. (ORS 294.356)

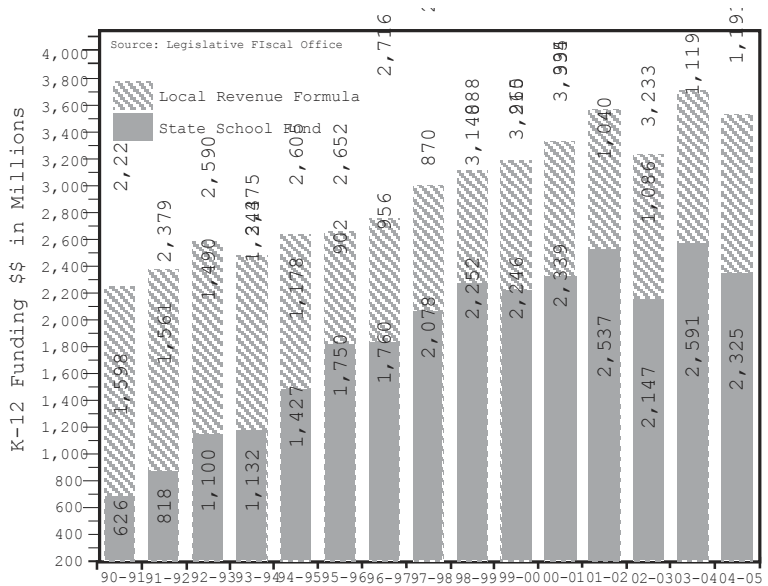
## State Funding

With the passage of two property tax limitation ballot measures by voters in the 1990s the state general fund became the major source of funding for Oregon's K-14 public education system.

Before the property tax limitations were approved by voters most of the funds needed to operate the K-14 system came from local property taxes. In the 1980s the state's general fund share of funding the K-14 system went from 40 percent in 1979 to 26 percent in 1990. During this period K-14 boards relied on local voters to approve increases in their local property taxes to pay for increases in program costs.

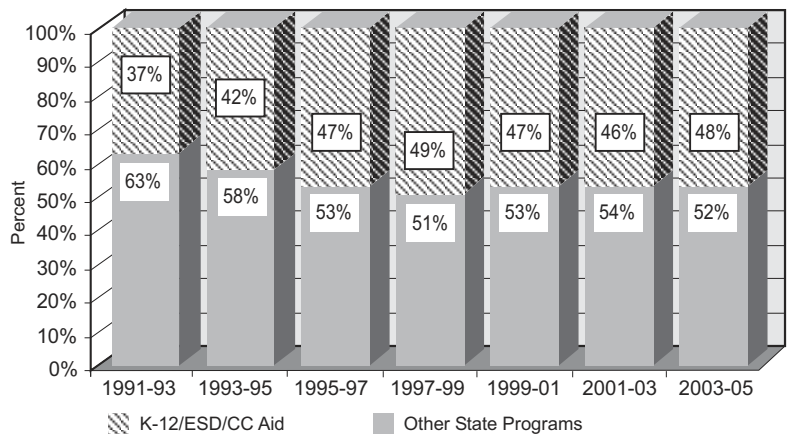
Then in 1990 Oregon voters approved a property tax limitation that shifted the major responsibility for funding K-14 programs from local property taxes to the state's general fund. The limitation (known as Ballot Measure 5) amended Article XI, Section 11, of the Oregon Constitution. It required the State Legislature to replace property taxes schools, education service districts and community colleges lost from the measure's passage with revenue from the state's general fund. In the mid 1990s additional changes were made to the state's property tax system through the initiative process (Ballot Measures 47 in 1996 and Ballot Measure 50 in 1997) which further limited the amount of revenue provided to the K-14 system through local property taxes and increased the amount of state general fund revenue needed to keep the K-14 system operating. The percentage of state revenue paid to replace lost property taxes is shown in the following *State Share of K-12 School Support* chart.

## State Share of K-12 School Support



As property taxes were reduced as the schools' major source of revenue, the state's obligation grew. With the increased demand to fund K-14 public education from the state's general fund, funding for other programs that received money from the general fund were impacted. See the following State General Funding and Lottery Budget chart.

## State General Fund and Lottery Budget



The property tax limitation initiatives approved by voters in the 1990s effectively eliminated the opportunity for local citizens to tax themselves to fund their schools, except for bond measures for capital construction projects. In 1999 the Oregon Legislature did open the door to school districts to seek voter approval for *local option* levies that do provide revenue for operating expenses. (See Local Option, page 51.)

## K-12 Funding (\$ in Millions)

	2001-03 Actual		2003-05 Estimated		2005-07 Governor	
	01-02	02-03	03-04	04-05	05-06	06-07
<b>REVENUE</b>						
State School Fund	\$2,538	\$2,145	\$2,591	\$2,325	See OSBA's Web site for this information: <i>www.osba.org</i> , click on the "Covering Education" button in the left column on the home page.	
Local Formula Revenue*	1,040	1,105	1,120	1,200		
<b>TOTAL</b>	<b>\$3,578</b>	<b>\$3,250</b>	<b>\$3,711</b>	<b>\$3,525</b>		
% change over prior year	7.3	(9.2)	14.2	(5.0)		
% change over previous biennium	4.3		5.6			

**Note:** 2001-02 State School Fund amount includes a \$108 million School Improvement Fund allocation.

Source: OSBA chart developed using Department of Administrative Services/Budget Management Division data.

\*Local Formula Revenue includes local property taxes and other local revenue offset by the SSF distribution formula (state timber revenue, federal forest and Common School Fund receipts).

### Local Option

The 1999 Oregon Legislature opened the door for Oregon school districts to seek voter approval of local option levies.

The local option levy is based on a taxation "gap" that exists between the constitutional limits imposed by property tax limitation measures approved by voters in the early 1990s and the constitutionally fixed school levy rate of \$5 per \$1,000 of a property's real market value. Under this funding source, school districts may ask for voter approval of a local option levy at the March, May, September or November election.

All elections, except the November election in even-numbered years, must meet the double majority requirement of at least a 50 percent turnout of registered voters with more than 50 percent of the votes cast in favor of the measure.

Districts can use local option funds for operating purposes or for capital projects. The levy may be for one to five years for operating purposes or up to 10 years for a capital project levy.

A local option levy has the following statutory restrictions: (ORS 280.040 through 280.090)

- Levies may be a fixed dollar amount or rate based.

For example:

- \$250,000 per year, or
- \$0.75 per \$1,000 of assessed value

- Over collections on rate based levies are carried over to the next fiscal year.
- Capital project levies for more than five years must be voted on separately from all other local option levies.
- The amount a district can collect is the lesser of:
  - The gap amount.
  - 15 percent of State School Fund (SSF) formula revenue.
  - \$750 per Average Daily Membership weighted (ADMw\*).
- Over collections are subtracted from the district's SSF allocation.

The taxation gap is calculated on a property-by-property basis. That means that a particular property that has an assessed value equal to the property's real market value would have no gap taxes. Conversely a property that has a difference (or gap) between the assessed value and real market value would be assessed the additional tax (if a local option were approved by voters).

The challenge to taxing districts is explaining to voters that not all property owners will pay the increased taxes and some property owners will pay more than others.

## The Budget Committee

The budget law requires a local budget committee to recommend a district's budget to the school board, which has final approval authority. The committee is made up of the district's board of directors and an equal number of registered voters appointed by the board.

The school board appoints citizen members of a budget committee. Members of the budget committee receive no compensation for their services. A budget committee member may not be a district employee.

The only districts not required to have citizen members in addition to board members on a budget committee are those districts with 100,000 or more population in counties with a tax supervising and conservation commission. Since Multnomah County is the only county that has a tax supervising and conservation commission, Portland Public Schools, Multnomah Education Service District, Portland and Mt. Hood community colleges are the only districts that do not have budget committees. These districts' budgets are subject to review by the Multnomah County Tax Supervising and Conservation Commission. (ORS 294.341, 294.411 and 294.610)

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\* Weighted average daily membership (ADMw) includes additional distribution formula weightings for disabled, poverty, English as a second language, foster home, delinquent, and pregnant and parenting students. Weightings also reflect students in small, remote schools.

More detailed information about budget committee duties and responsibilities is available in OSBA's *Budget Committee Handbook*. For a copy, call 1-800-578-6722 or 503-588-2800 in Salem, or order online at [www.osba.org/pubs](http://www.osba.org/pubs).

## **Presenting the Budget**

A public notice must be published twice, once not earlier than 30 days prior to the meeting, and the second publication not later than five days prior to the meeting. The two notices must be at least seven days apart. However, the proposed budget document may be provided to budget committee members "not more than ten days" prior to the first budget committee meeting. The budget document becomes a public record available for public inspection at the time it is given to the budget committee members. (ORS 294.401)

At the first meeting, the district's chief executive officer, usually the superintendent, is required to present a budget message. The budget message explains the proposed budget and any significant changes in the district's programs or financial position. (ORS 294.341 and 294.391)

The budget document presented with the budget message must include cost estimates for the next fiscal year plus a three-year history of actual and budgeted expenditures. (ORS 294.352 and 294.376)

The allocation of funds within the budget reflects a district's educational priorities. Each district has its own method of determining these priorities. In some districts budget preparation is a community process. In others, budget preparation starts in the buildings with school councils or teachers and even parents submitting budget requests to principals. In still other districts, the superintendent and central office staff prepare the budget.

Once the budget is presented to the budget committee all items in it are subject to public debate. All meetings of the budget committee are public. Any person may appear to ask questions on any item in the budget document. (Constitutional limitations do not change the role of the budget committee to set school program priorities.) (ORS 294.401)

Copies of the budget document are available to reporters and citizens upon request.

## **Budget Approval**

After reviewing the budget document, the budget committee approves it as presented by the superintendent, or as revised, and recommends its adoption to the school board.

After the school board accepts the budget, a budget hearing must be held. The hearing and final adoption of the budget must occur prior to July 1.

Not less than five days and not more than 25 days prior to the hearing, the district is required to publish a summary of the budget and a notice of the hearing in the local newspaper.

Following the hearing and prior to July 1 boards must formally adopt a budget for the next fiscal year. A board may make changes in the approved budget before it is adopted. However,

expenditures in any fund may not be increased by more than \$5,000 or 10 percent of the estimated expenditures, whichever is greater, without first publishing a revised budget summary and holding another budget hearing. This formally adopted budget is the basis for making appropriations and certifying the amount of the district's property tax levy to the county tax assessor. (ORS 294.435)

## **Bond Levies**

Bond levies are outside the property tax limitations. With student enrollments increasing, school facilities aging and maintenance costs escalating, voters are seeing more bond levy requests on the ballot.

Double majority requirement: Under Oregon law, voters must approve any increase in taxes – a bond levy or local option levy – in an election with at least a 50 percent voter turnout. The only exception is the November general election in even numbered years. There is no turnout requirement for that election. If districts meet the turnout requirement, then a simple majority, one more than 50 percent is required to approve the measure.

Bond levies are used to finance capital construction and improvements that are too expensive to be paid for from a district's annual operating budget. However, bond proceeds can be used only for capital construction and improvements as defined by Article XI, Section 11 and 11b, of the Oregon Constitution. The constitutional definition specifically excludes reasonably anticipated maintenance and repair items, or supplies and equipment that are not intrinsically a part of the structure. Bond proceeds also can be used to pay the costs of issuing bonds.

A general obligation bond is a loan. An investor loans money to a municipality for specific capital projects. A bond normally carries a fixed rate of interest payable semiannually until it is paid off.

Bond proceeds can only be used for the purposes stated in the ballot title authorizing the issuance of the bonds and consistent with the Oregon constitution.

State law limits the amount of general obligation debt school districts may have outstanding at any one time. The debt limit is based on the district's assessed value and the number and kinds of grades the district serves. Generally, for districts operating K-12 schools, the debt limit is 7.95 percent of the real market value of all property within the district minus any outstanding debt.

For complete information regarding the laws and regulations for bonded debt, see the Oregon School Boards Association *Oregon School Bond Manual*, available under publications at [www.osba.org](http://www.osba.org).

## **Election Dates**

School measures can be submitted to voters on the following dates. Also noted are the dates districts must file the notice of election with the county clerk and any election issues specifically limited to a particular date.

- Second Tuesday in March, filing date 61 days prior to election
- Third Tuesday in May, filing date 61 days prior to election (Board member elections are held in odd-numbered years.)
- Third Tuesday in September, filing date 61 days prior to election
- First Tuesday after the first Monday in November, filing date 61 days prior to election (Only election without 50 percent turnout requirement is November election in even numbered years.)

(ORS 255.345)

## **Vote-By-Mail**

The vote-by-mail law requires ballots to be mailed to registered voters not sooner than the 18th day before and not after the 14th day preceding the date of the election. To be counted, the county clerk's elections office must receive ballots by 8 p.m. on the date of the election. Voters may return the ballots by mail, in person or to an official ballot drop off site. (ORS 254.470)

In adjusting news coverage for vote-by-mail elections, please note that a significant percentage of ballots that will be returned are returned in the first week after the ballots are delivered to voters.

## **The Budget Document**

There are two main divisions in a school budget: revenue (money available to spend) and expenditures (how money is spent). The principal subdivisions under these categories are: current or operating expenditures, capital outlay, debt service, transfers to other funds or governmental agencies and unappropriated ending fund balance. (ORS 294.305 to 294.565)

School budgets are organized under these categories by program. Programs are groups of activities related to a specific school program or service.

### **Current Expenditures**

Current or operating expenses are listed under General Fund. These include items such as salaries, materials, maintenance, utilities, insurance and interest payments on short-term loans.

### **Capital Outlay**

Capital outlay includes expenditures for land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, remodeling of buildings, initial equipment, additional equipment and replacement of equipment.

### **Debt Service**

Debt service is for long-term financing. Debt service is a separate fund and is used to finance and account for the payment of interest and principal on all general obligation bonds. Districts must have voter approval of a general obligation bond levy to sell bonds. (See section on Bond Levies, page 54.) Bond issues are used to finance major new construction or remodeling in a

district. The proceeds from bond sales can be used only for the projects specified on the ballot or authorized in Article XI, Section 11 and 11b, of the Oregon Constitution.

**Transfers** Transfers are money moved from one fund to another. Transfers are shown as expenditures in the originating fund and revenue in the receiving fund.

Oregon school budgets also may contain separate sections for capital projects, federal programs including the school lunch program and student body activity accounts.

## Revenue Sources

Revenue is generated or received by elementary/secondary school districts from: the State School Fund, local property taxes, federal aid and other sources.

**State School Fund** The State School Fund is the major appropriation of state support for public elementary and secondary schools. The State School Fund is distributed to school districts according to the formula described on page 57.

The formula:

- Is a distribution formula based on a weighted per student allocation. (See page 57 for formula.)
- Provides 70 percent of approved transportation costs and requires all districts to provide home-to-school transportation for elementary students who live more than one mile from school and secondary students more than 1.5 miles from school.
- Provides additional funds for small remote school districts and for the higher cost of experienced teachers.

**State School Fund:  
The Move to Equity** In an effort to assure equalization in the distribution of state funds to school districts and to avoid lawsuits over school funding equity that has plagued so many other states, the 1991 Legislature developed a State School Fund distribution formula and adopted a policy of phasing-in full equity funding. The distribution formula has been constrained each year to protect high-resource school districts from the revenue losses the full formula would cause. Full equity was achieved in 2000-2001.

**Local Property Taxes** Local property taxes are considered an equalized revenue source. They are included in the State School Fund calculation. The amount of money a district collects in property taxes does not add or subtract from total revenue a district receives from the State School Fund.

The tax limitation measures of the 1990s created fixed property tax rates for all local governments, including school districts, ESDs and community colleges.

The community colleges' other major revenue sources come from legislative appropriations and tuition. Other sources of revenue for ESDs are payments from the local districts for programs provided as contracted services and restricted federal and state grants-in-aid.



# School Funding Formula



## General Purpose Grant

Increased or decreased by each student in the following categories:

Special education .....	+1.0
English as a second language .....	+0.5
Union High district .....	+0.2
Elementary district .....	-0.1
Approved remote small school .....	varies based on school size
Poverty, foster home and state-recognized facility for neglected and delinquent .....	+0.25

Except for the last category, the total weight for any one student cannot exceed 3.0

Increased or decreased by \$25 for each year a district's average teacher experience differs from the state average



## Transportation Grant

70 percent of approved costs of transporting:

- For health, safety or special education
- Preschool handicapped
- Elementary — more than 1 mile
- Secondary — more than 1.5 miles
- Students between facilities
- Field trips
- Room and board in lieu of transportation

School districts are required to provide transportation unless they can demonstrate a satisfactory alternative for high school students



## Facility Grant

Up to 8 percent of construction costs for new classrooms (permanent or modular)



## Local Revenues

Includes almost all general revenue received by schools:

Property taxes and offsets	
Common School Fund	<i>Excludes</i>
County School Fund	Ending Fund balances
Federal Forest Receipts	Earnings on investments
Chapter 530 forest revenue	Prior year's taxes
Equalization ESD funds	Grant monies
Supplantable federal funds received	Non-supplantable federal funds
without specific application	Donations
In lieu property taxes	



## State School Fund Grant

**Federal Aid** Federal aid is distributed to local school districts, in most cases, by the state Department of Education for specific grant programs. Currently, the largest federal grant programs are for:

- Special education under provisions of the Individuals with Disabilities Education and Improvement Act (IDEIA) passed by Congress in November 2004.
- Title I (for economically disadvantaged students), Title II (for teacher training and educational technology), Title III (for immigrant students and those with limited English proficiency) and Title IV (for safe and drug free schools and communities) under the revised Elementary and Secondary Education Act (ESEA), better know as the No Child Left Behind Act of 2001.
- Vocational education through the Carl D. Perkins Vocational and Technical Act of 1998.
- School nutrition programs established under the Child Nutrition Act of 1966 and funded through the U.S. Department of Agriculture.

Some districts also receive funds directly from the federal government for other specific purposes.

Federal revenues are listed separately in the resources section of the budget and as separate accounts in the expenditures (or requirements) section of the budget. Federal aid accounts for about 10 percent of school revenues in Oregon.

**Other Sources** Other sources of school revenue include money from the Common School Fund, the County School Fund, Federal Forest Fee receipts, Oregon and California Railroad forest revenue, dollars received from Public Law 874 and from other categorical grants-in-aid for special programs. The amount of these resources varies from district to district. Recently, these revenue totals have been decreasing.

- The Common School Fund is money from the sale of state-owned timber or lease of state-owned property. Interest and earnings from the fund is distributed annually on a per pupil basis. (Revenue is included in State School Fund calculation.)
- The County School Fund is an allocation made to school districts from a variety of county sources. (Revenue is included in State School Fund calculation.)
- Federal Forest receipts are received by school districts through the County School Fund when federal timber, managed by the U.S. Forest Service within the county, is harvested. Twenty-five percent of this revenue must go to schools; 75 percent is for county roads. In 10 counties – Curry, Gilliam, Grant, Harney, Hood River, Lake, Morrow, Sherman, Wallowa and Wheeler – more than 25 percent may be allocated to schools at the discretion of the county commission. Federal Forest Fees to schools totaled \$32.3 million in 2004-05 and account for one percent of total school

district resources. (Revenue is included in State School Fund calculation.)

- Eastern and Western Oregon Timber Privilege taxes, levied on private timber in Oregon, provide money to school districts where the timber is located as a direct reduction of their property tax levy. These taxes are distributed to school districts as an offset to the actual amount of property tax in the district and do not appear as revenue in the budget. Based on actions by the 1999 Legislature, this revenue source will decline and be replaced by a property tax on timberlands. (Revenue is included in State School Fund calculation.)
- Oregon and California Railroad forest revenue is allocated to the county governments. County governments determine if schools receive any of this revenue. Currently, none of these funds are being given to schools.
- Public Law 874 provides federal dollars to districts enrolling children whose parents or guardians work or live on federal land which is exempt from local property taxes.
- Other: Some districts, mostly larger ones, also may receive funds from public or private agencies to carry out programs for special groups of students. All of the dollars school districts receive from those agencies for these programs appear under this budget item.

## **Computing Taxes**

The dollar amount imposed on property in taxes in any year is determined by the tax rate limitations plus any voter approved bonded debt.

Districts must certify the total amount they are authorized to levy to the tax assessor. The tax assessor then uses a property's assessed value based on a July 1 assessment date, the \$5 per \$1,000 limitation amount, the fixed property tax rate and any existing bonded debt service levies to determine the amount of tax on a particular piece of property and consequently the amount of taxes districts can expect to receive.

## **Reading the Budget**

Budgets are a district's best estimate of what revenues and expenditures are for a fiscal year. Transfers between line items or objects of expenditure during the year are possible as long as total expenditures do not exceed the adopted budget. (ORS 294.450)

The fiscal year for schools, community colleges and education service districts is July 1 through June 30. Elementary/secondary school and education service districts use the forms shown on the following pages and the numbering system described on the sample forms to account for revenues and expenditures.

The School District Budget Process and Fiscal Year Revenue Flow chart on page 71 shows election dates, the budget preparation timeline and the dates school districts receive State School Fund revenue, Western Oregon Timber Severance tax

and property tax payments. The chart is included to illustrate the difficulty districts have in estimating at budget preparation time exactly what their revenues will be.

## Budget Terminology

Here are some terms you should be familiar with as you work with school budgets.

**Adopted budget** — The financial plan adopted by the governing body that forms a basis for appropriations.

**Appropriation** — Based on an adopted budget, an authorization for spending specific amounts of money for specific purposes during specific periods of time. Presented in a resolution or ordinance adopted by the governing body.

**Assessed value** — Value set on real and personal taxable property as a basis for levying taxes.

**Associated payroll costs** — Amounts paid by the district on behalf of employees. These amounts are not included in the gross salary, but are in addition to it. Such payments are fringe benefit payments that, while not paid directly to employees, nevertheless are part of the cost of salaries and benefits. Examples are:

- Group health or life insurance,
- Contributions to Public Employees Retirement System,
- Social security (FICA),
- Workers' compensation,
- Unemployment insurance.

**Budget** — Written report showing the local government's comprehensive financial plan for one fiscal year. Must include a balanced statement of actual revenues and expenditures during each of the last two years, estimated revenues and expenditures for the current and upcoming years.

**Budget committee** — Fiscal planning board of a local government, consisting of the governing body plus an equal number of the district's legally registered voters.

**Budget message** — Written explanation of the budget and local government's financial priorities prepared by the executive officer or chairperson of the governing body.

**Budget officer** — Person appointed by the governing body to assemble budget material and information and to physically prepare the proposed budget.

**Capital outlay** — Items which generally have a useful life of one or more years, such as machinery, land, furniture, equipment or buildings.

**Contingency Fund** — Money allocated for use in cases of emergency or to cover unforeseen expenditures. School boards must take action to approve expenditures of these funds in specific budget areas.

**Expenditures** — Total amount incurred if accounts are kept on an accrual basis; total amount paid if accounts are kept on a cash basis.

**Fiscal year** — Twelve-month period beginning July 1 and ending June 30.

**Fund** — A division in a budget segregating independent fiscal and accounting requirements. An entity within a government's financial plan designated to carry on specific activities or to reach certain objectives.

**Governing body** — County court, board of commissioners, city council, school board, board of trustees, board of directors or other governing board of a local government.

**Program** — A group of related activities to accomplish a major service or function for which the local government is responsible.

**Proposed budget** — Financial and operating plan prepared by the budget officer, submitted to the public and budget committee for review.

**Reserve fund** — Established to accumulate money from one fiscal year to another for a specific purpose.

**Resolution** — An order of a governing body. Requires less legal formality and has lower legal status than an ordinance. Statutes or charter specify which actions must be by ordinance and which may be by resolution.

**Resources** — Estimated beginning fund balances on hand at the beginning of the fiscal year, plus all anticipated revenues.

**Revenues** — Monies received or anticipated by a local government from either tax or non-tax sources.

**State School Fund** — The major appropriation of state support for public elementary and secondary schools. The State School Fund is distributed to school districts according to a legislature-adopted formula.

**Supplemental budget** — Prepared to meet unexpected needs or to spend revenues not anticipated at the time the regular budget was adopted. A supplemental budget cannot be used to increase a tax levy.

**Transfers** — Amounts distributed from one fund to finance activities in another fund. Shown as an expenditure in the originating fund and revenue in the receiving fund.

**Unappropriated ending fund balance** — Amount set aside in the budget to be used as a cash carry over to the next year's budget. This balance provides the local government with needed cash flow until other money is received. This amount cannot be transferred by resolution or used through a supplemental budget during the fiscal year it is budgeted.



**GENERAL \_\_\_\_\_ FUND**

**BUDGET DETAILED ESTIMATE SHEET**

Requirements       Resources

ACCOUNT CODE AND DESCRIPTION	Actual Data for Prior Two Years		Budget This Year		Budget Next Year 20__-20__				
	Second Year 20__-20__	First Year 20__-20__	Adopted (Amended)	No. of Empl.	Proposed	No. of Empl.	Approved	Adopted	No. of Empl.
	<p>The revenue portion of the budget uses thousand numbers:</p> <p>1000 Revenue from Local Sources includes property taxes (current and prior), tuition, transportation fees, earnings on investments, food service, co-curricular activities for which a fee is charged, community service activities and other revenue from local sources.</p> <p>2000 Revenue from Intermediate Sources is revenue from county sources including payments to districts from education service districts and the County School Fund.</p> <p>3000 State Sources include revenue from the State School Fund, grants-in-aid, the Common School Fund, as well as payments for special education, driver education, transportation and school nutrition matching funds.</p> <p>4000 Federal Sources are grants-in-aid and revenue in lieu of taxes including Federal Forest receipts and Public Law 874 funds.</p> <p>5000 Other sources of revenue include receipts from the sale of bonds, interfund transfers and sale of compensation from loss of fixed assets, beginning fund balance.</p>	<p>Audited figures for actual receipts in each revenue category.</p>	<p>Figures from Columns 1, 2 or 3 in previous year's proposed budget as adopted or amended.</p>	<p>Figures presented at time superintendent gives budget message.</p>	<p>Only amounts which are changed by the Budget Committee are shown.</p>	<p>Only amounts which are changed by the School Board are shown.</p>			

GENERAL \_\_\_\_\_ FUND \_\_\_\_\_

County \_\_\_\_\_

**BUDGET DETAILED ESTIMATE SHEET**

Requirements       Resources

ACCOUNT CODE AND DESCRIPTION	Actual Data for Prior Two Years		Budget This Year		Budget Next Year 20__-20__				
	Second Year 20__-20__	First Year 20__-20__	Adopted (Amended)	No. of Empl.	Proposed	No. of Empl.	Approved	Adopted	No. of Empl.
	Expenditures follow this numbering system. Each thousand number is a major area of school operation.	Audited figures for actual receipts in each revenue category.	Figures from Columns 1, 2 or 3 in previous year's proposed budget as adopted or amended.	Figures presented at time superintendent gives budget message.	Only amounts which are changed by the Budget Committee are shown.	Only amounts which are changed by the School Board are shown.			
1000 Instruction for elementary, middle school (or junior high) and high school									
1100 Regular Programs									
1200 Special Programs									
1300 Adult Continuing Education Programs									
1400 Summer School Programs									
2000 Support Services									
2100 Pupils									
2200 Instructional Staff									
2300 General Administration									
2400 School Administration									
2500 Business									
2600 Central Services									



GENERAL \_\_\_\_\_ FUND \_\_\_\_\_

**BUDGET DETAILED ESTIMATE SHEET**

Requirements       Resources

ACCOUNT CODE AND DESCRIPTION	Actual Data for Prior Two Years		Budget This Year		Budget Next Year 20__-20__					
	Second Year 20__-20__	First Year 20__-20__	Adopted (Amended)	No. of Empl.	Proposed	No. of Empl.	Approved	No. of Empl.	Adopted	No. of Empl.
	<p>Expenditures continued...</p> <p>3000 Enterprise and Community Services</p> <p>4000 Facilities Acquisitions and Construction</p> <p>5000 Debt Services and Transfers</p> <p>6000 Operating Contingency Funds used in cases of emergency. School board must take action to approve expenditure of these funds in specific budget areas.</p> <p>7000 Unappropriated Ending Fund Balance Amount set aside in the budget to be used as a cash carryover to the next year's budget to provide the local governments with needed cash until tax money is received from the county treasurer in November. This amount cannot be transferred by resolution or used through a supplemental budget. (ORS 294.371)</p> <p>The Unappropriated Ending Fund Balance can only be reduced if and to the extent that other budgeted line-item revenues actually accrue below the budgeted level.</p>	Audited figures for actual receipts in each revenue category.		Figures from Columns 1, 2 or 3 in previous year's proposed budget as adopted or amended.		Figures presented at time superintendent gives budget message.		Only amounts which are changed by the Budget Committee are shown.		Only amounts which are changed by the School Board are shown.

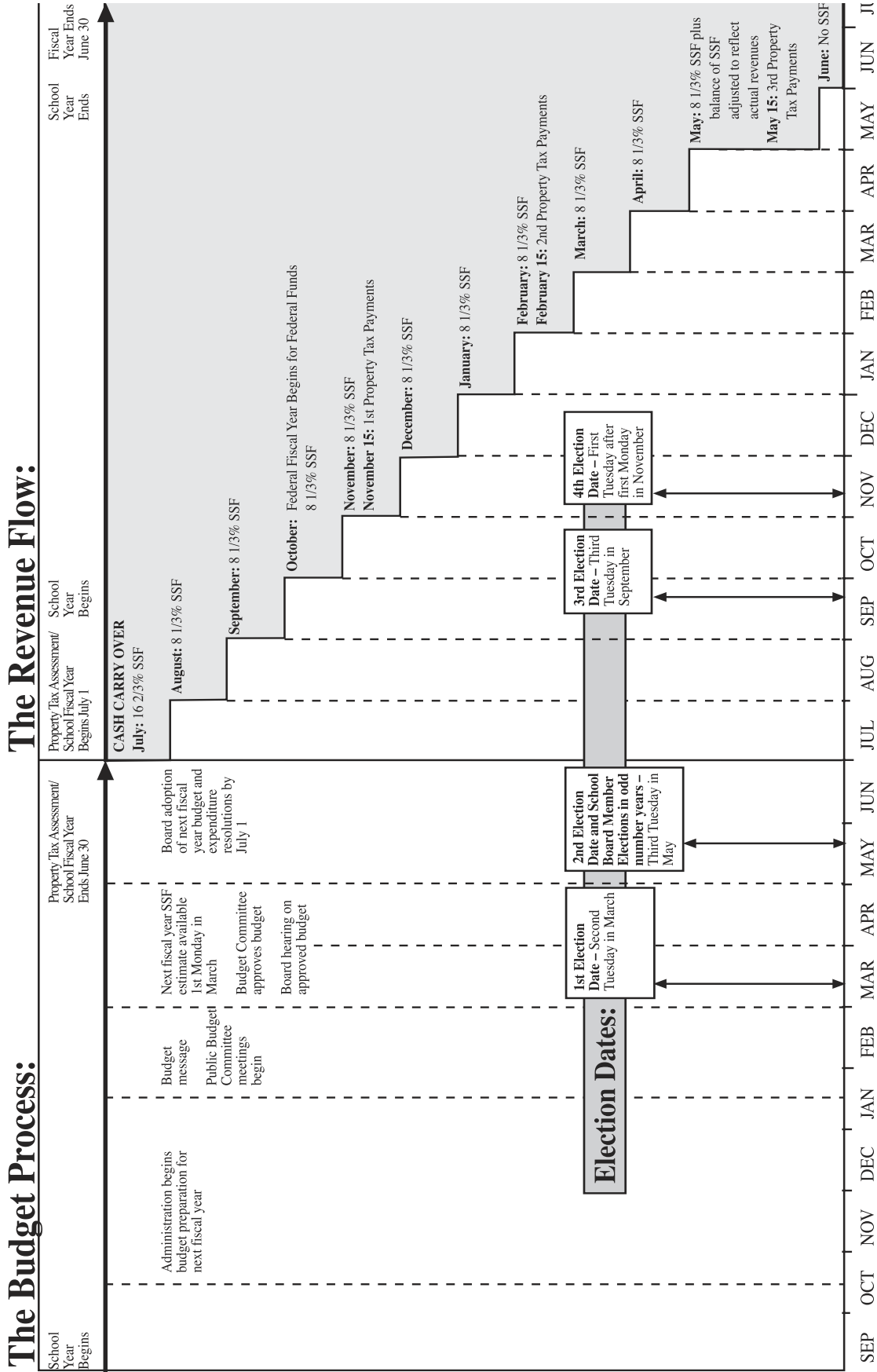
GENERAL \_\_\_\_\_ FUND \_\_\_\_\_

**BUDGET DETAILED ESTIMATE SHEET**

Requirements       Resources

ACCOUNT CODE AND DESCRIPTION	Actual Data for Prior Two Years		Budget This Year		Budget Next Year 20__-20__				
	Second Year 20__-20__	First Year 20__-20__	Adopted (Amended)	No. of Empl.	Proposed	No. of Empl.	Approved	Adopted	No. of Empl.
	<p>Each function, or thousand number is followed by hundred numbers which are <i>objects</i>.</p> <p>Objects describe the expenditures under each function as follows:</p> <p>100 Salaries</p> <p>200 Associated Payroll Costs</p> <p>300 Purchased Services</p> <p>400 Supplies and Materials</p> <p>500 Capital Outlay</p> <p>600 Other Objects (misc.)</p> <p>700 Transfers</p> <p><b>Note:</b> Budget law requires districts to record number of employees. If districts base number on full-time equivalent (FTE) not head count of individuals employed, the budget must indicate the number is FTE.</p>	Audited figures for actual receipts in each revenue category.	Figures from Columns 1, 2 or 3 in previous year's proposed budget as adopted or amended.	Figures presented at time superintendent gives budget message.	Only amounts which are changed by the Budget Committee are shown.	Only amounts which are changed by the School Board are shown.			

# School District Budget Process and Fiscal Year Revenue Flow



SSF = State School Fund revenues





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# EDUCATION AND THE COLLECTIVE BARGAINING LAW

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**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**March 2005**

# CONTENTS

<b>Education and the Collective Bargaining Law</b>	<b>73</b>
The Right to Bargain	73
Employment Relations Board	73
Bargaining Units	73
Union Representation	73
Management's Bargaining Team	74
The Bargaining Process	74
<i>Status Quo</i> Continues After Contract Ends	74
Step 1: Bargaining Begins	74
Communications During Negotiations	74
Step 2: Mediation	75
Step 3: Impasse/Cooling-off Period	75
Fact-finding (Optional)	75
Step 4: Strike or Implement Offer	76
Strike by Union	76
During a Strike	76
Oregon Strike History	76
Implementation of Final Offer	77
Interim Bargaining	77
Covering Collective Bargaining	77
<i>Teachers Union Strikes Since 1973</i>	78
<i>Negotiations Flowchart: Regular Negotiations</i>	79
<i>Negotiations Flowchart: Interim Negotiations</i>	80
Collective Bargaining Terminology	81
<i>Timeline from Impasse to Strike/Implementation of Final Offer</i>	84

# Education and the Collective Bargaining Law

## The Right to Bargain

*Collective Bargaining* or negotiations is defined as the “mutual obligation of a public employer and the representative of its employees to meet at reasonable times and confer in good faith with respect to employment relations (e.g., salary and working conditions), or the negotiation of an agreement, and the execution of a written contract incorporating any agreement reached.” However, this obligation does not compel either party to agree to a proposal or make concessions.

Under Oregon’s Public Employee Collective Bargaining law, passed by the Oregon Legislature in 1973 and amended in 1995, bargaining includes four steps — negotiations, mediation, impasse/cooling-off period and strike or implementation. A strike by the union or implementation of the employer’s final offer can only occur after the first three steps have been exhausted. The law gives all public employees except police officers, firefighters, 911, police and fire dispatchers, and correctional institution and mental hospital guards the right to strike.

## Employment Relations Board

In Oregon a three-member Employment Relations Board appointed by the governor is the state agency responsible for administration and interpretation of the collective bargaining law. Members of the board serve four-year terms. One member is neutral, one represents management and one represents labor.

## Bargaining Units

All school district employees **except** superintendents, principals, other supervisors and confidential employees, i.e., those support personnel who work directly with collective bargaining information, can petition for the right to bargain collectively with their employer, the school board.

There usually are two bargaining units in a school district: one representing licensed staff (teachers) and the other representing classified staff (cooks, custodians, bus drivers, maintenance personnel, clerical employees, educational assistants, etc.). Some other variations of representation are possible through recognition by the local school board or by petition to the Employment Relations Board (ERB).

In a few districts there is one unit which represents all employees, both certified and classified, i.e., a “wall-to-wall” unit.

## Union Representation

In Oregon, teachers are represented at the bargaining table by the Oregon Education Association, an affiliate of the National Education Association, through local education associations or regional bargaining councils.

Most classified or support staff — cooks, custodians, bus drivers, maintenance personnel, clerical employees, educational assistants — are represented by either the Oregon School Employees Association or the Oregon Education Support Professionals, an affiliate of the Oregon and National Education Associations (OEA/NEA). In a few districts there is more than one bargaining unit of classified personnel with a variety of union affiliations.

The school district's personnel office can give you the names of the unions which represent the district's employee groups.

## **Management's Bargaining Team**

A typical bargaining team the district uses to bargain a contract with its unions might include one or two school board members, the administrator in charge of personnel and a building principal. The chief spokesperson (negotiator) may be a board member or administrator, but often is a professional hired by the board.

## **The Bargaining Process**

The collective bargaining law defines the steps for bargaining: negotiations, mediation, and strike or implementation of final offer.

Changes made in the collective bargaining law by the 1995 Legislature were designed to create a more equitable balance between management and labor, reversing a 22-year trend of prevailing labor rights.

The length of typical school district contracts is two or three years. Contracts generally begin July 1 and end June 30. This makes the contract year the same as a district's fiscal year.

### ***Status Quo Continues After Contract Ends***

If a contract ends before a new contract agreement is reached, all provisions of the expired contract which relate directly to the employees' conditions of employment, e.g., salary, benefits, leaves, etc., are continued unless expiration of a provision is specifically provided for in the terms of the old contract. Provisions of the expired contract which relate directly to the union, e.g., union dues payments, may be discontinued with notice to the union.

## **Step 1: Bargaining Begins**

Bargaining begins when the parties meet for the first bargaining session and each party receives the other's initial proposal. If, after 150 calendar days of bargaining, no agreement on a new contract is reached, either or both of the parties may request the state Employment Relations Board to assign a mediator.

At the first bargaining sessions, the two sides generally exchange initial proposals. They also may agree upon ground rules for negotiations. Negotiations are open to the public unless both parties agree to conduct them in closed session.

## **Communications During Negotiations**

School boards have the right to communicate directly with bargaining unit employees on collective bargaining issues throughout the bargaining process. The law also allows bargaining unit members to talk with school officials.

School boards can advise staff and the public of the issues being discussed, the board's position and the progress being made at the table. The board may communicate this information at board meetings, via press releases, in newsletters or in other contacts with the public and employees.



## Step 2: Mediation

Mediation begins after 150 calendar days of bargaining if the parties cannot reach an agreement. (They may mutually agree to go to mediation sooner.) The parties notify the ERB that they need a mediator. The assignment of a mediator can take three to four weeks. Mediation must be for a minimum of 15 calendar days. [ORS 243.712(2)(a)]

Mediation uses an impartial third party to resolve contract differences. The mediator may suggest possible areas of compromise and propose settlement terms.

The State Mediation and Conciliation Section of the Employment Relations Board assigns a mediator to meet with both sides. There is a \$1,000 fee for this service. The district and the union each pay half of the fee.

While negotiations are in mediation, the best source of information is the district's spokesperson or the state mediator assigned to the negotiations. The mediator can be reached through the Employment Relations Board in Salem, (503) 378-6471.

Any time after 15 days of mediation, either party or the mediator may declare impasse. Written notice of the impasse must be filed with ERB.

## Step 3: Impasse/ Cooling-off Period

Within seven days of declaring impasse each party is required to submit to the mediator, in writing, its final offer, including a cost summary. The mediator publishes the offers (i.e., makes them available to the public) as soon as both offers are received. Publication includes any proposed contract language as well as the cost summary data for any issues still in dispute.

The parties then have a 30 day cooling-off period after their final offers are made public. During this time the parties can agree on a contract settlement or mutually agree to use fact-finding to reach a contract settlement.

### Fact-finding (Optional)

If the mediator is unsuccessful in bringing the sides to agreement, the parties may jointly request fact-finding as an alternative method of seeking settlement after their final offers are published. (ORS 243.722)

In fact-finding the major issues are identified by a neutral party who reviews both parties' positions, resolves factual differences and makes recommendations for settlement.

The school district and the union share the cost of hiring a factfinder. The factfinder is chosen by the two sides, or if they cannot agree, from a list of names provided by ERB.

The factfinder sets the date for a hearing where each side presents evidence to support its position. Items discussed in fact-finding are those issues that are mandatory subjects for bargaining or permissive subjects the parties agree to discuss. (See page 81, Scope of bargaining, for definitions of mandatory and permissive subjects of bargaining.)

The factfinder has 30 days following the hearing to prepare a written report with recommendations for settlement on each disputed issue. The parties may agree to extend this deadline.

The school board and the union have five working days from the time the report is mailed to the parties to notify ERB whether they accept or reject the recommendations. (The recommendations have to be accepted or rejected in total.) The factfinder cannot compel either side to accept the recommendations.

The school board or the union may release the contents of the report during their discussions of the recommendations. However, ERB officially releases the entire report five days after notice of rejection is received from one or both parties.

If the factfinder's recommendations are rejected, a 30-day cooling-off period starts as soon as ERB publishes the report.

## **Step 4: Strike or Implement Offer**

If no agreement is reached 30 days after the mediator publishes the parties' final offer, or if the parties use fact-finding, 30 days after the fact-finding report is received:

- Employees have the right to strike.
- The school district may implement all or part of its final offer.

**Strike by Union** A strike is the withholding of services by employees as a group to pressure an employer into granting bargaining demands.

The union can go on strike at any time after the 30th day of the cooling-off period, providing it gives the school board 10 days advance written notice. The notice must state the issues that are unresolved and the day the strike will begin. It is the union members' decision to strike or continue negotiations without striking.

The superintendent usually is the person who can say officially what procedures will be followed with students prior to and during a strike.

The superintendent, school board chair, the board's negotiator or the district's designated spokesperson are the best sources of information about the board's position on the issues.

The state mediator is the one who usually will determine when further mediation sessions are held.

**During a Strike** The superintendent's office will have attendance information for students and staff and can provide other detailed information about the schools, school programs and the status of negotiations.

**Oregon Strike History** Since the Public Employees Collective Bargaining Act became law in September 1973, teachers' unions in 18 Oregon school districts have gone on strike. (See statistics in chart on page 76.)

In all cases except the second Eugene strike, districts either opened or were prepared to open with substitute teachers within six days.

The only other teachers' strike was a three-day strike in the Hillsboro Union High School District in March 1973, prior to enactment of the original collective bargaining law.

Students have missed 55 school days as a result of teacher strikes in the 31 years Oregon's collective bargaining law has been in effect.

Only Reedsport School District classified, or support, personnel have been on strike under the Public Employees Collective Bargaining Act. The strike was for two days in 1978.

Bus drivers in Woodburn were on strike for close to three months from Dec. 5, 1989, to Feb. 27, 1990. However, the bus drivers were on strike against the firm hired by the district to provide transportation as a contracted service. Consequently, they were not covered by the state collective bargaining law.

### **Implementation of Final Offer**

At the same point in the bargaining process that unions may lawfully conduct a strike, school districts may unilaterally implement a final offer. A final offer cannot introduce new topics or topics that were not subject to the previous steps of the negotiations process. The district must give the union at least five days advance notice of implementation. Once implemented, the final offer becomes the contract.

Due to technicalities involved in ERB rules, this option is rarely used. Two school districts, Lebanon Community School District and Gervais School District, both in 1997, implemented final offers for full contracts.

### **Interim Bargaining**

The state's collective bargaining law now has an expedited bargaining schedule when bargaining occurs during the term of a contract. Under this schedule:

- The employer must notify the union in writing of any anticipated changes which "impose a duty to bargain."
- The union has 14 calendar days after the employer's notification to file a demand to bargain. If the union does not file its demand to bargain within 14 days of the notice, the union waives its right to bargain over the change or the impact of the change identified in the notice.

The expedited bargaining process ends 90 calendar days after the employer gives written notice. At this point the employer may implement the proposed change without any further obligations to bargain. (ORS 243.698)

See pages 78 and 79 for diagrams of regular and interim negotiations procedures.

# Teachers Union Strikes Since 1973<sup>+</sup>

District	Year	Strike Length in Workdays*	No. of School Days Closed**	No. of Students*** (at time of strike)
Scappoose	1974	2 days	2	1,851
Roseburg	1976	6 days	0	6,567
Redmond	1977	6 days	5	3,649
Baker	1977	8 days	4	2,509
Corvallis	1978	4 hours	0	7,339
David Douglas	1978	4 days	1	6,701
Hood River	1978	10 days	1	2,962
Eugene	1979	9 days	3	18,976
Gresham Elementary	1981	15 days	2	5,197
Klamath County	1985	3 days	3	6,364
Coos Bay	1987	11.5 days	6	4,488
Eugene	1987	22 days	15/17	17,720
Albany	1987	7 hours	1	7,363
Morrow County	1989	10 days	3	1,928
Bethel	1990	4 hours	1	3,781
McMinnville	1990	7 days	1	3,884
Sandy	1997	7 days	3	3,692
Fern Ridge	1999	7.5 days	2	2,073
<b>TOTALS:</b>	<b>18 Strikes</b>	<b>143 days</b>	<b>53/55</b>	<b>107,044</b>

<sup>+</sup> Teachers in the Hillsboro Union High School District were on strike for three days in March 1973. The collective bargaining law was passed by the 1973 Legislature and became effective in Sept. 1973.

\*The length of a school district strike is figured by work days/school days *not* calendar days.

\*\*Number of days schools closed due to the strike. In 1987 Eugene high school students lost 15 days; elementary students lost 17 days.

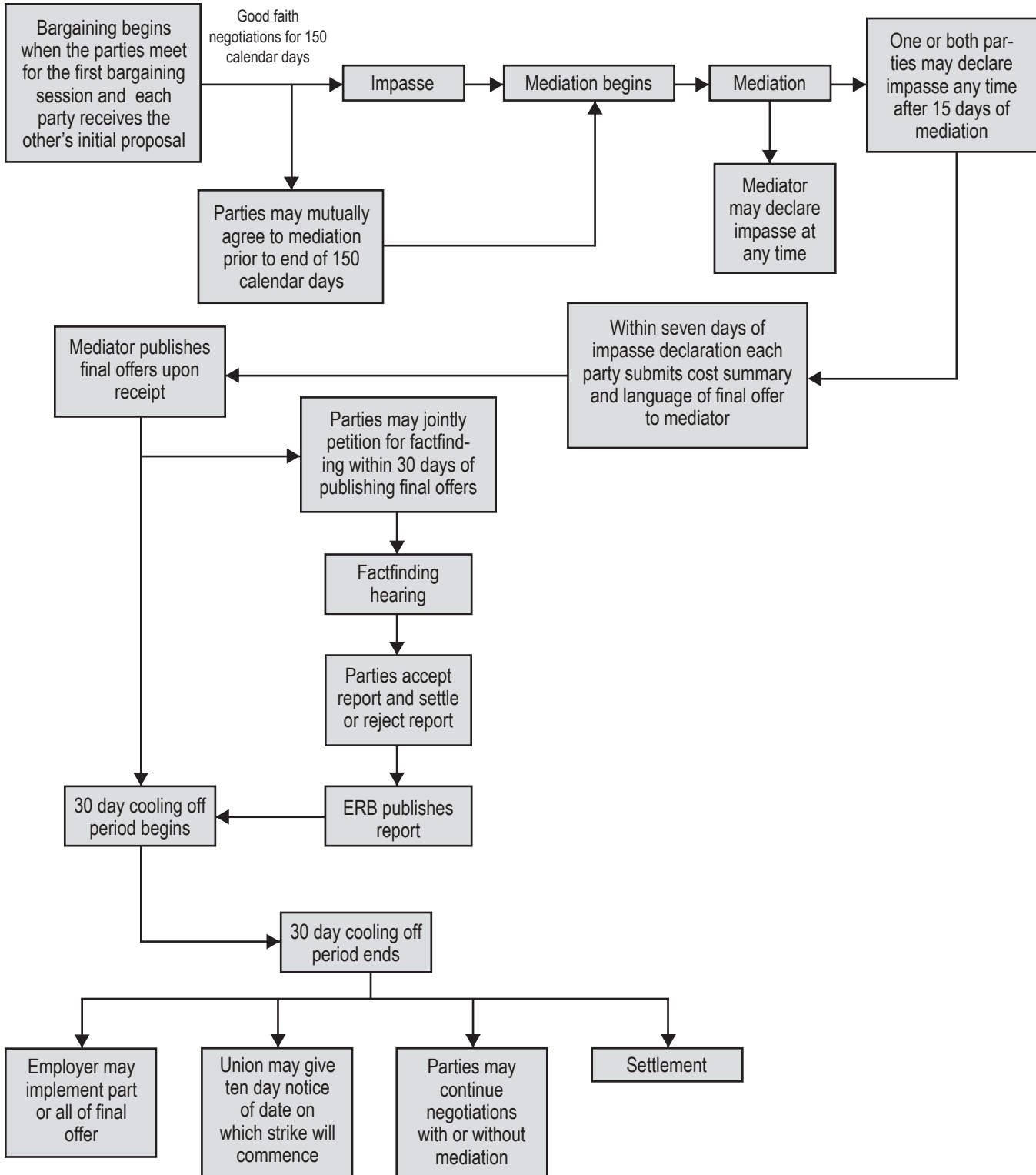
In 1990, McMinnville students were out of school an additional three days because schools were closed due to snow.

\*\*\*Based on Oregon Department of Education October 1 head count, except Scappoose, which is the end-of-school-year head count.



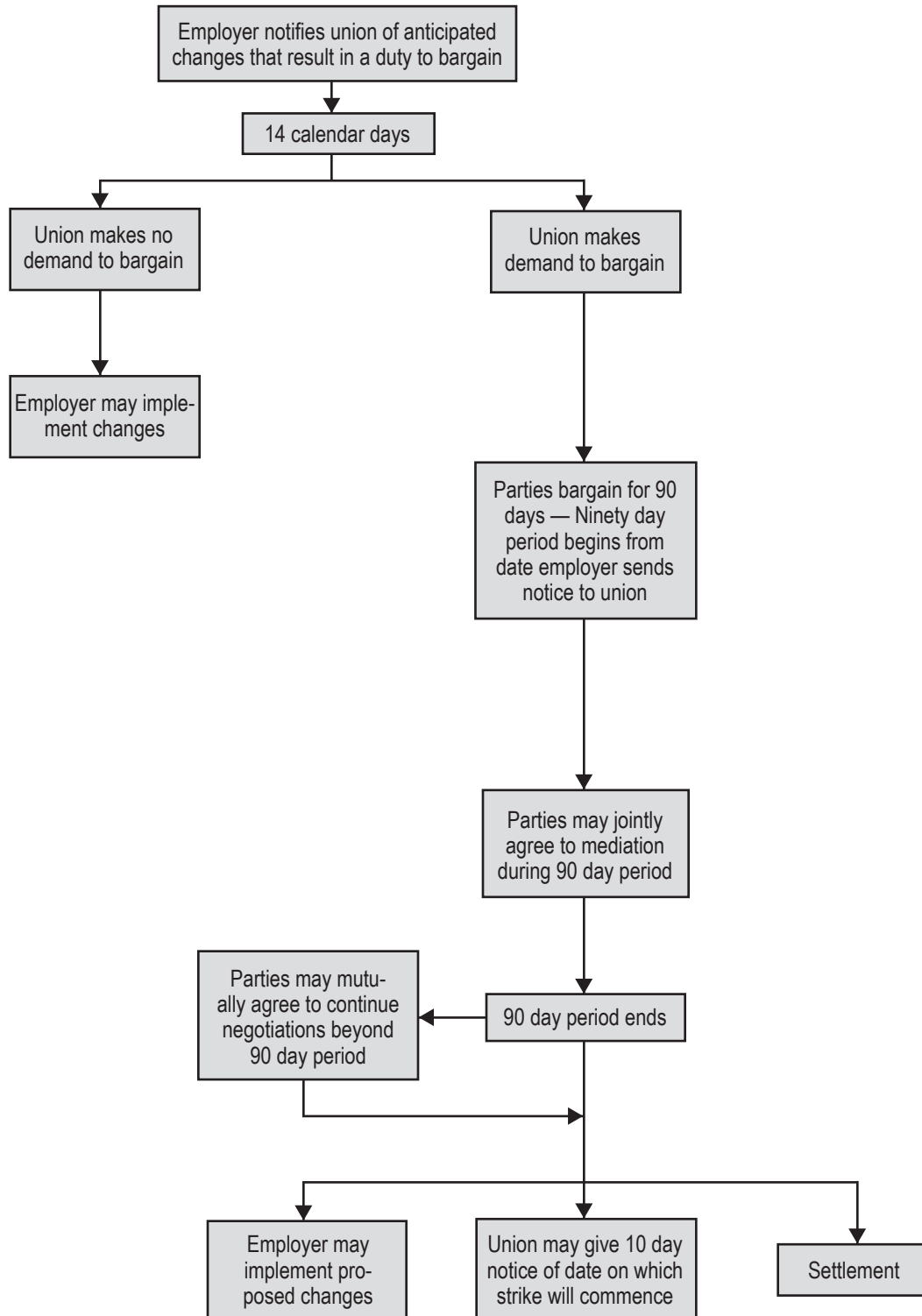
# *Negotiations Flowchart*

## REGULAR NEGOTIATIONS



# *Negotiations Flowchart*

## INTERIM NEGOTIATIONS



## Collective Bargaining Terminology

The following definitions of collective bargaining terminology are provided as a resource guide.

**Advisory Arbitration** — Arbitration in which the decision of an arbitrator is not binding.

**Binding arbitration** — Arbitration in which the parties have to agree in advance to be bound by the decision of the arbitrator. Unions on strike may request this method of reaching an agreement. School boards usually refuse to go to binding arbitration because it abdicates their responsibility to determine how school funds are spent and for determining district policies.

**ERB Board** — The Employment Relations Board (ERB) is a three-member board appointed by the governor to administer and interpret the collective bargaining law. One member represents labor; one, management. The third member is “neutral.” Members serve four-year terms.

**Class size** — At the elementary grade levels, the determination of the maximum number of students in a classroom. At the middle and high school grade levels, class size is the maximum number of students a teacher will teach per day. Class size is considered a bargaining issue by the union because it impacts the amount of work a teacher does. However, the 1995 revisions to the state collective bargaining law make class size a permissive subject of bargaining.

**Confidential employees** — Support personnel who work directly with individuals who formulate, determine and affect management policies related to collective bargaining.

**CPI**—Consumer Price Index is a federal index of food, clothing and housing costs compared with costs for the same items at the same time the previous year. These 12-month comparisons are usually the reference used for salary increases.

**Cooling-off period** — A 30-day period which starts with the State Mediation and Conciliation Service’s publication of the parties’ final offers, or if fact-finding is used, after publication of the factfinder’s report.

**Due process** — The ability of an employee to respond to charges related to conduct or job performance before any disciplinary measures are taken.

**Exclusive representative** — The labor organization which, as a result of certification by the Employment Relations Board or recognition by the employer, has the right to be the collective bargaining agent for all employees in a bargaining unit.

**Fair share** — An agreement between the public employer and the bargaining agent that requires employees in a bargaining unit who are not union members to make an in-lieu-of-dues payment to the union.

**Fringe Benefits** — Include medical, dental, vision and long-term disability insurance premium payments, early retirement payments, paid holidays, paid sick leave, paid vacations and other benefit or payroll costs.



**Grievance** — An alleged violation, misinterpretation or misapplication of a provision of the collective bargaining agreement. The claim follows a process outlined in the collective bargaining agreement.

**Impasse** — Anytime after 15 days of mediation, either of the parties or the mediator can declare impasse. Each party then submits a final offer to the mediator. The declaration of *impasse* sets in motion the procedures and timeline described on pages 83-84.

**Implementation of final offer** —After the 30-day cooling-off period following publication of the parties' final offers, or fact-finding report, if fact-finding is used, the school board has the option of implementing its final offer, providing it gives the union at least five days advance notice. The notice must include a statement of the terms and conditions that will be implemented such as the district's last salary and fringe benefit proposals. The terms and conditions cannot include any new proposals. (See explanation of *Contract implementation*, page 77.)

**Increment Steps**— The dollar difference between the vertical or horizontal steps on a salary schedule. Teachers move one step vertically each year for experience. Horizontal movement is related to college work and degrees earned. The increment is generally in addition to any base salary increase negotiated in a contract.

**Informational picketing** — A union activity which involves carrying signs or placards that draw attention to or otherwise emphasize the issue(s) in dispute between the parties. Informational picketing may occur at any time during negotiations.

**Just Cause** — Discipline or dismissal for unsatisfactory job performance once the district meets the following prerequisites: advance notice of expected standards of conduct and penalties for failure to meet those standards; an investigation before final action, including the employee's response; progressive discipline, when appropriate; even-handed application of disciplinary action for like offenses and consideration of any mitigating circumstances.

**Proposal** — Suggested contract language given verbally or in writing by either side during negotiations regarding a particular issue or subject.

**Representation election** — A process where employees vote for a particular labor union to become their exclusive representative or vote for "no representation."

**RIF**—Reduction-in-force or lay-off procedures. (ORS 342.934)

**Self-help** — A point in the dispute resolution process, after the expiration of the cooling-off period, when an employer may implement its final offer or the labor union may strike.

**Scope of bargaining** — Defines issues which are *prohibited*, *permissive* or *mandatory* subjects of bargaining.

- Prohibited subjects of bargaining are contrary to state or federal law or regulations. For example, when a teachers' union proposed a definition of seniority — for layoff and

recall purposes — that differed from the definition contained in state law, ORS 342.934 (3)(c), ERB ruled this was a prohibited subject of bargaining and could not be included in a contract. Prohibited subjects generally are easy to identify during the bargaining process. As a result, ERB issues few rulings concerning them.

- Permissive subjects of bargaining may be talked about by either party but neither party is required to do so. The union cannot strike over a permissive subject. Contract provisions governing permissive subjects expire when the contract expires. A permissive subject does not become mandatory simply because it was included in a prior contract. During negotiations for a new contract, the parties again are free to talk — or not talk — about the subject. Class size and job descriptions are examples of permissive subjects of bargaining.
- Mandatory subjects of bargaining must be discussed but the parties are not required to agree to any particular proposal during negotiations. Mandatory subjects are the six specifically listed items in ORS 243.650 (7) and any others that fit within the phrase *other conditions of employment*, also contained in ORS 243.650 (7).

**Single column salary schedule** — A rearrangement of the traditional multi-step, multi-column salary schedule into a single vertical column of 12 to 15 steps. Proposed starting and top salaries are higher than current salaries and the increments (difference between steps) are two to three times greater than current salary schedules. Teachers, regardless of their education, move up on a single column salary schedule based solely on their length of employment with a district. In some instances a second column, with higher salary levels, is added to recognize teachers who have master's degrees.

**Ten-day notice** — Notice given by a union to an employer naming a date when employees will strike and specifying the reasons for the strike. The notice must be given at least 10 full days in advance of the actual strike date.

**Unfair labor practice (ULP)** — A charge filed with the Employment Relations Board (ERB) by one party against the other alleging a violation of the collective bargaining law.

**UniServe Rep** — An area representative of the Oregon Education Association used by local teacher associations and OEA affiliated classified employee associations to assist them with bargaining and other contract-related concerns.

**Wall-to-Wall Unit** — When both the district's licensed employees and classified employees are covered by the same contract and represented by the same bargaining agent. Wall-to-wall units are allowed for districts with fewer than 50 employees or for those districts which had wall-to-wall units in place prior to implementation of the 1995 changes.

**Work to the rule** — Working strictly according to provisions of a collective bargaining contract. Union members refuse to perform work beyond what is required in the contract. Work to the rule is legal only if employees continue to honor contractual requirements.

## Timeline from Impasse to Strike/ Implementation of Final Offer

Procedures	Timelines	ORS/OAR References
1. No agreement reached	After bargaining in good faith for 150 calendar days (90 days for interim issues)	ORS 243.712 (1) OAR 115-40-000 (1)
2. Request for mediation: <ul style="list-style-type: none"> <li>• Letter of request to Mediation and Conciliation Services (ERB)</li> <li>• Mediator assigned</li> <li>• Date set to begin mediation</li> </ul>	Three to four weeks	ORS 243.712 (1) ORS 662.405-455 OAR 115-40-000 (1)
3. Mediation sessions	15 days of mediation	ORS 243.712 (2)(a) OAR 115-40-000 (1)
4. Post-Mediation Impasse: <ul style="list-style-type: none"> <li>• Both parties must submit final offers to mediator</li> <li>• Final offers must include summary of costs</li> <li>• Mediator must make final offers public</li> </ul>	Within 7 days of impasse  Within 7 days of impasse  Immediately upon receipt of written offers	ORS 243.712 (2)(b) OAR 115-40-000 (1)(d)  ORS 243.712 (2)(b) OAR 115-40-000 (1)(d)  ORS 243.712 (2)(b) OAR 115-40-000 (1)(d)
5. Request for fact-finding: <ul style="list-style-type: none"> <li>• Both parties must request fact-finding</li> </ul>	Within 30 days after final offers are made public	ORS 243.712 (2)(c) OAR 115-40-010
6. ERB notifies parties fact-finding initiated	One to two weeks after request	OAR 115-40-010
7. Selection of factfinder: <ul style="list-style-type: none"> <li>• Parties may select their own factfinder; or</li> <li>• ERB submits list of seven factfinders to parties</li> <li>• May be individual or panel of three</li> <li>• Parties strike names to make selection</li> </ul>	Five days after ERB notification, fact-finding is initiated	ORS 243.722 (1)  ORS 243.722 (2) OAR 115-40-010 (1)(a)  ORS 243.722 (2)(b) OAR 115-40-010 (1)(a),(b)  ORS 243.722 (2)(a) OAR 115-40-010 (1)(a),(b)

Procedures	Timelines	ORS/OAR References
8. Notification: • Factfinder notified of selection		OAR 115-40-010 (3)
9. Date of hearing: • Factfinder sets date for hearing		ORS 243.722 (3) OAR 115-40-010 (6)
10. Prior to hearing: • Statement of issues sent to the factfinder and other party	Seven days prior to hearing	OAR 115-40-010 (8)
11. Hearing	Two to three weeks after factfinder is notified of selection	ORS 243.722 (3)
12. Factfinder's report issued	Not more than 30 days from date hearing concluded	ORS 243.722 (3) OAR 115-40-010 (22)
13. Consider report: • Accept or reject recommendations and notify ERB and the other party  • If both parties accept, recommendations and any tentative agreements become the contract  • If one or both sides reject, ERB publicizes the factfinder's report	Not more than five working days after report sent to parties  Five calendar days after ERB receives notice one party does not or both parties do not accept the findings	ORS 243.722 (3) OAR 115-40-010 (26)  ORS 243.722 (3)
14. Mediation, negotiations continue		
15. Strike/implementation of final offer	No sooner than 30 days after the mediator publishes the parties' final offers (or the factfinder's report is published) the union may provide 10 days' prior written notice of strike date or the district may implement its final offer	ORS 243.726



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# EDUCATION SERVICE DISTRICTS

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## Chapter 5

**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# CONTENTS

<b>Education Service Districts</b>	<b>87</b>
Resolution Process	88
Programs and Services	88
Contract Review.....	89
ESD Governance	89
Boundary Board.....	89
Financial Status	90
Employee Relations	90
Covering the ESD	90
<i>ESD Regions Map</i>	91

# Education Service Districts

Education service districts were established by the legislature to provide services local school districts are not able to offer economically or because of the small numbers of students involved. (ORS Chapter 334)

ESDs originated with the county school superintendent. These offices later became rural school districts. In 1963 the legislature changed the function of these districts to Intermediate Education Districts with authority to provide services and facilities to local districts. These services included central purchasing, library, curriculum materials, special teachers and special education services. In 1977 the legislature changed the name to Education Service District to be more descriptive of the agencies' role in providing services to local districts.

In 1995 the legislature clarified merger procedures established by the 1993 Legislature, which reduced the number of education service districts from 29 to 20 and expanded their roles. The 20 ESDs serving Oregon's 36 counties in 2004-2005 are:

1. **Northwest Regional** serving Clatsop, Columbia, Tillamook and Washington counties
2. **Multnomah** serving Multnomah County
3. **Willamette** serving Marion, Polk and Yamhill counties
4. **Linn-Benton-Lincoln** serving Benton, Lincoln and Linn counties
5. **Lane** serving Lane County
6. **Douglas** serving Douglas County
7. **South Coast** serving Coos and Curry counties and Reedport School District
8. **Southern Oregon** serving Jackson, Josephine and Klamath counties
9. **Region 9** serving Hood River and Wasco counties
10. **High Desert** serving Crook and Deschutes counties
11. **Lake** serving Lake County
12. **Umatilla-Morrow** serving Morrow and Umatilla counties
13. **Union/Baker** serving Baker and Union counties
14. **Malheur** (Region 14) serving Malheur County and Huntington School District
15. **Clackamas** serving Clackamas County
16. **Harney** (Region 17) serving Harney County
17. **Region 18** serving Wallowa County
18. **North Central** serving Gilliam, Sherman and Wheeler counties
19. **Grant** serving Grant County
20. **Jefferson** serving Jefferson County and Warm Springs Indian Reservation

(See map of ESD boundaries, page 91.)

The 2005 Legislature is considering a further reduction in the number of ESDs and changes in their responsibilities. To follow this discussion or for information about the final legislation, see the Legislative Services section of the OSBA Web site, [www.osba.org](http://www.osba.org).

## Resolution Process

All ESDs are required by statute to provide specified services to schools either by resolution or contract. Other programs an ESD offers are determined through the resolution process for all school districts within its jurisdiction or by contract with individual districts for specific services. The resolution process requires two-thirds of school district boards representing a majority of the students in the ESD district to approve ESD programs. This approval of resolutions is required annually. (ORS 334.175 and 334.185)

Usually, superintendents from districts an ESD serves act as advisers to the ESD superintendent in determining which programs are recommended for initiation, continuation or elimination. The superintendents also recommend the levels of spending for resolution programs.

Resolution programs are financed by the ESD's district-wide property taxes within the Oregon's constitutional tax rate and assessment limitations (Oregon Constitution, Article 11, Section 11) and an allocation to ESDs from the State School Fund plus, in some areas, the participating districts. In addition, ESD budgets are reviewed by Budget Committees made up of a majority of local school board members. (See Financial Status, page 90.)

In cases where ESD programs are provided as a contracted service, the local districts pay for the service. The charges are based on the cost of the service provided.

## Programs and Services

Although programs provided by ESDs vary based on local needs, ESDs have become – through legislation, contract with a state agency, through cooperation with higher education and community colleges or via fiscal support –

The *major provider* of:

- Programs for trainable mentally retarded persons 21 years of age and younger,
- Media services to local school districts,
- Home schooling services.

A *significant provider* of:

- Services to physically handicapped, emotionally handicapped and learning disabled students,
- Standardized testing and testing support services,
- Services to non-English speaking students,
- Staff development activities for teachers and support staff,
- Administrative data processing services,
- Consultation for curriculum improvement,
- Support services in graphic arts, printing, cooperative purchasing, attendance counseling and school nurses,
- Early intervention services.



An *important provider* of:

- Resources for enrichment experiences for talented and gifted students,
- Administrative consultation to smaller districts,
- Services for the Oregon Department of Education in school district standardization, pupil assessment and materials distribution,
- Services for students served by agencies on the Oregon Department of Education's Private Agency Education Programs list,
- Regional special education programs contracted by the state,
- Locally funded regional alternative and vocational schools.

**Contract Review** ESD boards also may serve as the contract review board for local districts.

**ESD Governance** Currently, seven-member boards of directors elected to four-year terms by district voters govern most ESDs. These boards generally meet once a month. However, ESD boards may have seven, nine or 11 members. (ORS 334.025)

All ESDs, except Multnomah (see page 52), are required to have budget committees appointed by the board. A majority of the budget committee must be members of local school boards or designees selected by local school boards in the ESD's jurisdiction. The Tax Supervising and Conservation Commission provides the budget review function for Multnomah ESD.

**Boundary Board** An important function of an ESD board is its role as the school district boundary board. In this capacity, the board considers petitions by school districts or citizens for changes in school district boundaries and for the merger of school districts. (ORS 330.080 to 330.310)

Current law requires a petition with 5 percent or 500 signatures (whichever is less) to initiate a boundary change. Action on the part of all affected local district boards also will initiate the process.

In making its decision, the boundary board is required to consider the petition or actions of local district boards. If the change does not result in a district becoming noncontiguous or having fewer than 20 students, the boundary board must approve the change.

**Financial Status** ESDs operate under the Local Budget Law and their budgets are organized in the same way as local school district budgets. (See section on Understanding the School Budget, page 49.)

The major source of revenue for most ESDs has been the property tax. All ESDs have fixed property tax rates created under Oregon's constitutional property tax limitations (Oregon Constitution, Article 11, Section 11). ESDs also receive state funds from monies appropriated to the State School Fund. In 2004-05, ESDs received \$96 million from the State School Fund.

The 2001 Legislature created a new distribution formula for ESDs. Under that formula, ESDs are allocated 95 percent of the operating revenue (State School Fund and local formula resources) distributed to their constituent school districts. Of those resources, ESDs must spend 90 percent on programs and services provided to constituent districts through the resolution process.

ESDs' other sources of revenue are state and federal grants and contracts with local districts.

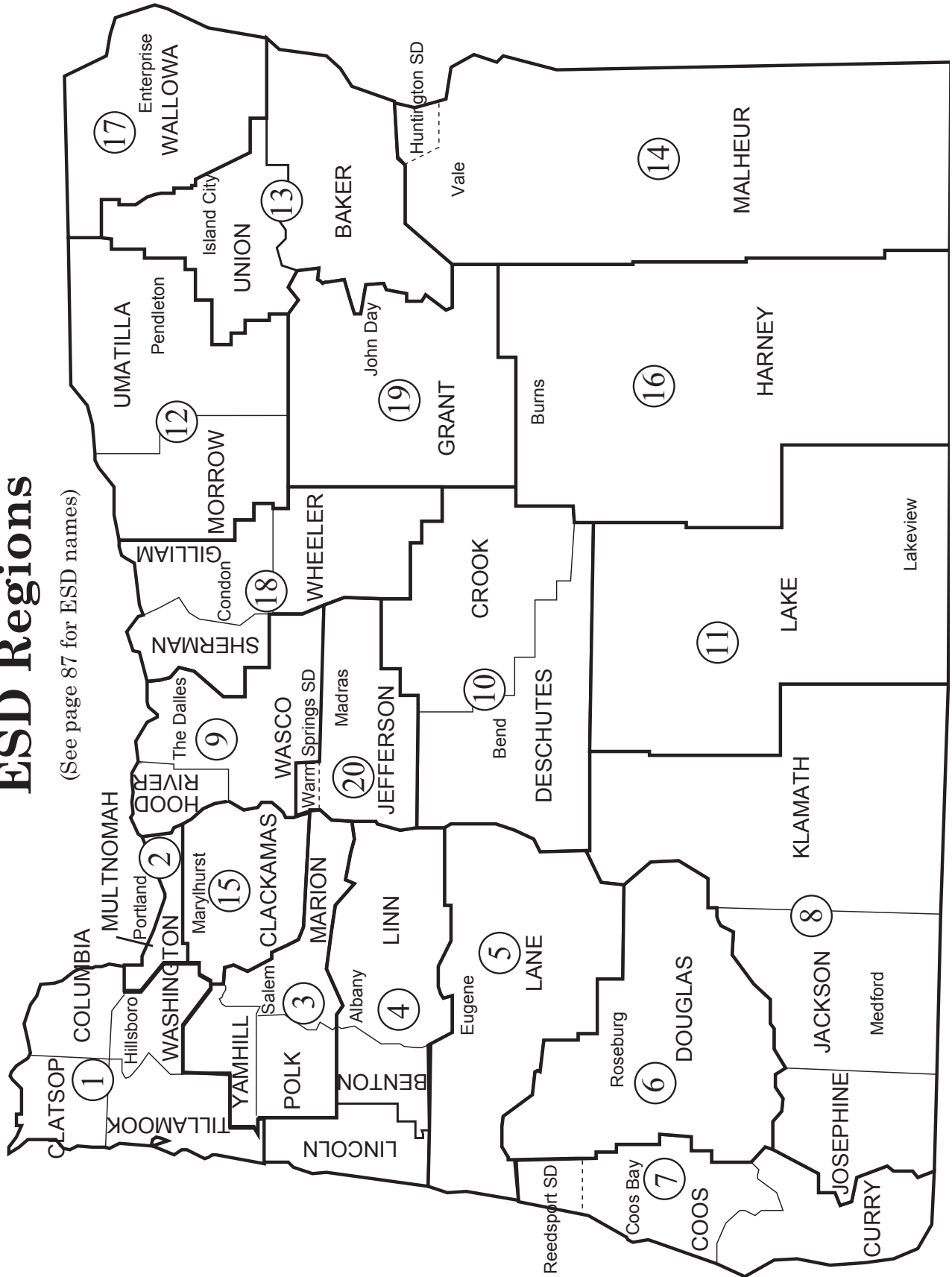
**Employee Relations** Oregon's collective bargaining law covers both certified and classified employees at ESDs. (See section on Education and the Collective Bargaining Law, page 73.)

Check with the ESD superintendent's office to find out how employees in that agency are organized and who represents them.

**Covering the ESD** A primary source of information about ESD operations and programs is the ESD superintendent or public information director, if the ESD has one. Information about ESDs also is available from individual ESD Web sites and the Oregon Association of Education Service Districts (OAESD). These sites can be accessed under Other Education Links on the OSBA Web site, *www.osba.org*.

# ESD Regions

(See page 87 for ESD names)



Towns indicate locations of ESD offices.





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# COMMUNITY COLLEGES IN OREGON

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**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# CONTENTS

<b>Community Colleges in Oregon</b>	<b>93</b>
Established in the 1960s	93
Governance	94
General Board Authority	95
Specific Board Authority	95
Funding	96
State Aid	96
Property Taxes	96
Tuition	97
<i>Community College Funding History</i>	97
Federal Funds	98
The Budget	98
Employee Relations	98
Covering the College Beat	98

# Community Colleges in Oregon

When the Oregon Legislature enacted the statutes creating community colleges in 1961, it did not create the institutions. Instead it created a way for the people to form their own community colleges. Since that time state lawmakers have consistently supported the principle that community colleges should be controlled at the local level through locally elected boards of education. (ORS Chapter 341)

By statute, community college boards are required to keep in touch with the needs of the people they serve and provide the educational programs that meet those needs.

The statutes that established community colleges indicate the intention “to fill the institutional gap in education by offering broad, comprehensive programs in academic as well as vocational-technical subjects.” Oregon law prohibits community colleges from becoming baccalaureate degree granting institutions. (ORS 341.009)

Community colleges are designed to provide continuing adult education in either academic areas or professional technical training.

Admission to a community college is open to all high school graduates and to “non-high school graduates who can profit from the instruction offered.” However, admission to some programs is limited by available space or admission requirements. The law also requires community college tuition to be “sufficiently low to permit students of low-income families to attend.” [ORS 341.009(6) and (17)]

Another requirement is that a community college’s location “be within commuting time of a substantial majority of its students.” [ORS 341.009(2)]

## Established in the 1960s

Since 1961, 17 community colleges have been established in Oregon. In addition to their main campuses, 74 outreach centers are operated for the benefit of residents within community college districts. Portland Community College operates three comprehensive campuses. Rogue Community College operates two campuses: the Grants Pass campus and the Medford campus.

Ninety-seven percent of Oregon’s population lives within a community college district. Only seven full counties and portions of four other counties are not within a community college district. In May 2001, voters approved the annexation of a portion of Hood River County to the Columbia Gorge Community College District.

Central Oregon Community College in Bend was the only community college formed under a 1957 law, which allowed local school districts to call for an election to form a community college. Central Oregon Community College held another election following the passage of the 1961 law.

Southwestern Oregon Community College in Coos Bay has the distinction of holding the first election under the 1961 law that formed the basis for Oregon's system of independent comprehensive community colleges. In 1995 the voters of Curry County approved a measure to annex that county to the Southwestern Oregon Community College district.

Other community colleges were established as follows:

- Clatsop in Astoria, 1958
- Clackamas in Oregon City, 1961
- Portland in Portland, 1961
- Blue Mountain in Pendleton, 1962
- Treasure Valley in Ontario, 1962
- Lane in Eugene, 1964
- Umpqua in Roseburg, 1964
- Mt. Hood in Gresham, 1965
- Linn-Benton in Albany, 1967
- Chemeketa in Salem, 1970
- Rogue in Grants Pass, 1970
- Tillamook Bay in Tillamook, 1981
- Oregon Coast in Newport, 1987
- Columbia Gorge in The Dalles, 1989 (formerly Treaty Oak Community College Service District, formed in 1977)
- Klamath in Klamath Falls, 1996

Community college classes also are offered as a contracted-out-of-district service at locations throughout Oregon not in community college districts. The contracts for these services are with existing community colleges. Community colleges also offer distance-learning classes on-line via the Internet or via cable television.

In 2003-04, Oregon's 17 community colleges served 330,595 students, down from a high in the 2000-01 school year of 403,931. Current enrollment figures are available from the Oregon Community College Association's Web site, the Department of Education's Community College and Workforce Development Web site or on individual community college Web sites. All of these Web sites can be accessed from Other Education Links on the OSBA Web site, [www.osba.org](http://www.osba.org).

## **Governance**

Each community college district is governed by a seven-member board of education, elected by the district's voters. (ORS 341.290)

Community colleges, like elementary and secondary education, are under the general supervision of the State Board of Education. A commissioner and Department of Community Colleges and Workforce Development were established by the 1987



Legislature for community college administration. The commissioner has responsibility for the representation of community college interests to the governor, the legislature, state agencies and others. The commissioner, with the approval of the State Board of Education, is responsible for submitting community college budget requests to the legislature. The commissioner is appointed by and reports directly to the State Board of Education. (ORS 326.375)

**General Board Authority**

A community college board's general authority is spelled out in Oregon Revised Statutes, Chapter 341, Section 290. These general powers include the authority to:

- Hire and fire personnel, define their duties and terms and conditions of employment and establish salaries.
- Enact rules for the governance of the college.
- Prescribe the educational program (with approval from the State Board of Education).
- Control use of and access to the district's property.
- Determine the ways the college's revenues are spent.
- Purchase real property, enter into leases or mortgage agreements.
- Operate bookstores, food service and other revenue-generating activities.
- Set tuition and establish admission standards.
- Establish fees for special programs and student services.
- Inform the public of college activities.
- Contract with consultants.
- Maintain programs, services and facilities.
- Provide students services such as health, guidance, counseling and placement activities.
- Accept federal funds and contract with federal agencies.
- Prescribe the rules for the use and access to public records of the district.
- Exercise any other power, duty or responsibility necessary to carry out the functions of the college required by law.

**Specific Board Authority**

In addition to a community college board's general powers, other sections of ORS Chapter 341 deal with specific powers, including:

- Enact rules for controlling traffic on campus (ORS 341.300).
- Levy local voter-approved property taxes (ORS 341.305).
- Exercise the right of eminent domain (ORS 341.311).
- Call special elections (ORS 341.369).
- Determine where classes are offered (ORS 341.435).

- Contract with others for the delivery of educational services (ORS 341.440).
- Award certificates and degrees (ORS 341.465).
- Extend student financial aid (ORS 341.475) and award scholarships (ORS 341.485).
- Issue bonds (ORS 341.675) and promissory notes (ORS 341.715).

**Funding** For the 2003-2005 biennium, community colleges received 44 percent of their funding from the state's General Fund, 28 percent from tuition, 21 percent from local property taxes and 7 percent from other sources.

**State Aid** State appropriations are from the General Fund. For the 2003-05 biennium community colleges received \$410 million from the state General Fund, or approximately 44 percent of their funding.

When the legislature appropriates money to community college operations, it does so in a lump sum called the Community College Support Fund. The Department of Community Colleges and Workforce Development then distributes the Support Fund to the individual colleges.

In addition to providing support for community college operations, the state has participated in community college construction costs. During the 1970s approximately 65 percent of construction costs, or \$79 million, came from the state. The 1987 Legislature appropriated \$8.5 million for 65 percent of the cost of construction projects in 11 college districts.

The 1989 Legislature placed a reserve of \$1 million in the Emergency Board for possible consideration of community college construction. The Interim Emergency Board appropriated approximately \$3 million for a project at Clackamas Community College. The 2001 Legislature appropriated \$1 million to Southwest Oregon Community College for campus buildings in Brookings, Oregon.

**Property Taxes** Property tax support for community colleges is determined locally, following the local budget and tax levy election laws. (See section on Understanding the School Budget, page 49.)

In the 1980s, state support for community colleges declined, while community college revenue from district tax levies increased. In 1977-78 local property taxes contributed 40 percent of the support for community college operations. In 1993-94 local taxes combined with state replacement revenue represented 51 percent of the cost of instruction.

Under Oregon's constitutional property tax rate and assessment limitations (Oregon Constitution Article 11, Section 11), the state has picked up more of the costs of community college operations thus increasing the percentage of state funding and decreasing the revenue from local property taxpayers.

**Tuition** Although the amount of tuition varies from college to college, boards generally maintained tuition levels at about 18 percent of the cost of instruction until 1991, when tuition rose to 20 percent of the cost of instruction. By 1993, tuition represented 21 percent of that cost. In 2003-04, it represented 28 percent of that cost.

Since passage of Oregon's constitution property tax rate limitation in 1990, community colleges have revisited their policies on tuition with some of the colleges raising tuition by as much as 30 percent to offset lost revenues. The chart on this page shows the percentage of state aid, local taxes and tuition for community colleges beginning with 1977-78.

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### Community College Funding History\*

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Year	State Funds Percentage	Local & Other Revenue	Tuition & Fees
1977-78	42	40	18
1978-79	41	41	18
1979-80	40	42	18
1980-81	36	46	18
1981-82	35	46	19
1982-83	31	48	21
1983-84	31	50	19
1984-85	32	51	17
1985-86	32	51	17
1986-87	32	51	17
1987-88	30	52	18
1988-89	29	53	18
1989-90	28	53	19
1990-91	28	52	20
1991-92	33	46	21
1992-93	36	43	21
1993-94	38	39	23
1994-95	43	35	22
1995-96	51	26	23
1996-97	51	27	22
1997-98	55	23	22
1998-99	51	23	22
1999-00	53	21	20
2000-01	55	23	22
2001-03	51	24	25
2003-05	44	21	28

\* Includes general operating funds only. Does not include funds colleges receive for self-supporting activities, e.g., residence halls, food service.

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**Federal Funds** Federal funds are primarily for professional technical education and adult basic education. Developing institution grants and student financial aid also may be included as separate budget accounts if the college receives them.

**The Budget** Community college budgets follow a program format prescribed by the Department of Community Colleges and Workforce Development. The major budget divisions are for Instruction, Instructional Support Services, Student Services, College Support Services and Plant Operation and Maintenance.

Accounts for financial aid, capital improvements, contingency, ending fund balance and auxiliary services also are included in the budget.

The numbering system for accounts within each budget area is the same as the numbering system described on pages 63-69.

**Employee Relations** Community college employees are public employees covered by the collective bargaining law. (See section on Education and the Collective Bargaining Law, page 73.)

**Covering the College Beat** Information about community colleges is available on the Oregon Community College Association's Web site, *www.occa17.com*, the Department of Education's Community College and Workforce Development Web site, *www.oregon.gov/CCWD/* or on individual community college Web sites. All of these Web sites can be accessed from Other Education Links on the OSBA Web site, *www.osba.org*.

For statewide information: The Oregon Community College Association (OCCA) has a media relations staff person who can provide information and a statewide perspective on legislative issues and community college policies. Check the OCCA Web site for contact information.

For individual college information: Most community colleges have an office of college relations and a public information officer. Each college also has a catalog and a course schedule with information about college programs. Check individual Web sites for contact information.



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# **DIRECTORY OF EDUCATION AGENCIES AND ORGANIZATIONS**

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**COVERING EDUCATION:  
A Reporter's Guide  
to Education in Oregon**

**April 2005**

# CONTENTS

<b>Directory of State Agencies and Organizations</b>	<b>99</b>
State Agencies	99
Department of Education	99
State Board of Education	99
State Superintendent of Public Instruction	99
Office of Community College and Workforce Development	99
Commissioner of Community College Services	99
Fair Dismissal Appeals Board	99
Employment Relations Board (ERB)	100
Mediation and Conciliation Section	100
Hearings Division	100
Government Standards and Practices Commission (GSPC)	100
Office of Education and Workforce Policy (OEWP)	101
Oregon University System (OUS)	101
Public Employees Retirement System (PERS)	101
Teacher Standards and Practices Commission (TSPC)	102
State Organizations	102
American Federation of Teachers — Oregon (AFT— Oregon)	102
Chalkboard Project	102
Confederation of Oregon School Administrators (COSA)	103
E3: Employers for Education Excellence	103
Oregon Association of Education Service Districts (OAESD)	103
Oregon Association of School Business Officials (OASBO)	103
Oregon Community College Association (OCCA)	104
Oregon Education Association (OEA)	104
Oregon Public Education Network (OPEN)	104
Oregon School Activities Association (OSAA)	104
Oregon School Boards Association (OSBA)	105
Oregon School Employees Association (OSEA)	105
Oregon Small Schools Association (OSSA)	105
Oregon Congress of Parents and Teachers (PTA)	105
Oregon Stand for Children	106
Regional and National Resources	106
Northwest Regional Educational Laboratory (NWREL)	106
National School Boards Association (NSBA)	106
U.S. Department of Education	107

# Directory of Education Agencies and Organizations

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## STATE AGENCIES

The following list includes state agencies that deal with education and can help reporters interpret school laws or regulations.

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**Department of Education** 255 Capitol Street NE, Salem 97310-0203  
Telephone: (503) 378-3569  
FAX: (503) 378-5156  
Web site: [www.ode.state.or.us](http://www.ode.state.or.us)

**Department of Education** staff exercise all administrative functions not conferred by law on some other agency related to supervision and management of public elementary and secondary schools.

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**Telephone: (503) 378-3600, ext. 2223**

**State Board of Education** is a seven-member board appointed by the governor for four-year terms to oversee the operation of public elementary and secondary schools and community colleges.

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**Telephone: (503) 378-3600, ext. 2209**

**State Superintendent of Public Instruction** is an elected official and serves under the direction of the State Board of Education, as the executive head of the Department of Education. The Superintendent's term of office is four years. (ORS 326.305) Susan Castillo is the current state superintendent.

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## Oregon Department of Community Colleges and Workforce Development

255 Capitol Street NE, Salem 97310  
Telephone: (503) 378-8648  
FAX: (503) 378-8434  
Web site: [www.workforce.state.or.us](http://www.workforce.state.or.us)

**Department of Community Colleges and Workforce Development** staff exercise all administrative functions not conferred by law on some other agency related to supervision and management of Oregon's community colleges. (ORS Chapter 341)

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**Telephone: (503) 378-8648, ext. 357**

**Commissioner for Department of Community Colleges and Workforce Development** is appointed by the State Board of Education and serves as the executive of the Department of Community Colleges and Workforce Development. (ORS 326.375) Cam Preus-Braly is the current commissioner.

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## Fair Dismissal Appeals Board

Oregon Department of Education  
255 Capitol Street NE, Salem 97310  
Telephone: (503) 378-3600, ext. 2348  
Fax: (503) 378-5156  
Web site: [www.ode.state.or.us](http://www.ode.state.or.us)

**Fair Dismissal Appeals Board** is a 20-member board appointed by the governor for four-year terms to hear appeals by teachers and some categories of administrators dismissed by school boards. (ORS 342.905 to 342.930)

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**ERB** 528 Cottage Street NE, Suite 400, Salem 97301  
Telephone: (503) 378-3807  
FAX: (503) 373-0021  
Web site: *www.erb.state.or.us*

**Employment Relations Board (ERB)** is a public body, composed of three members, including a chairperson, appointed by the governor, to administer the Oregon Public Employee Collective Bargaining Act. One member has a background in labor; one has a background in management; and one has a background generally in the labor-management relations process. The board also employs hearings officers, mediators and support staff. (ORS 243.650 to 243.782, 662.405 to 662.445 and 663.005 to 663.325)

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**Telephone: (503) 378-6471, ext. 246** ERB's **Mediation and Conciliation Section** provides mediation services for the resolution of collective bargaining disputes and grievances in public and private employment, training and facilitation in interest-based bargaining and problem-solving techniques, and lists of factfinders and arbitrators for the resolution of labor disputes.

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**Telephone: (503) 378-3808, ext. 225** ERB's **Hearings Division** conducts two types of hearings: complaints alleging that unfair labor practices have been committed and petitions to determine which employees can be represented by a union. The Hearings Division's elections coordinator conducts elections in which employees choose between union representation and no representation for the purposes of collective bargaining.

Generally, reporters should depend on information from the affected districts or unions for information about ERB rulings.

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**GSPC** 100 High Street SE, Suite 220, Salem 97301-3607  
Telephone: (503) 378-5105  
FAX: (503) 373-1456  
Web site: *www.gspc.state.or.us*

**Oregon Government Standards and Practices Commission (GSPC)**, established by vote of the people in 1974, is a seven-member citizen commission charged with enforcing government standards and practices (ethics) laws. Government standards and practices laws are intended to assure that public officials do not violate public trust. The GSPC also enforces lobbying laws and some provisions of public meeting laws. Prior to 1993, the agency was known as the Oregon Government Ethics Commission.



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**OEWP** 255 Capitol Street NE, Suite 126, Salem 97301  
Telephone: (503) 986-6546  
FAX: (503) 378-3225  
Web site: *www.governor.oregon.gov* or  
*www.state.or.us/agencies.ns/12100/12106/index.html*

**The Governor's Office of Education and Workforce Policy (OEWP)** was established in 1997 to replace the Workforce Quality Council and the Office of Educational Policy and Planning (OEPP). OEWP provides statewide policy direction on education and workforce issues, and provides regional education and workforce stakeholders a direct link to the governor.

OEWP is assisted by a policy cabinet comprised of education and workforce agency administrators and by groups of education and workforce stakeholders. The office leads or staffs various committees dealing with a wide variety of education and workforce issues, to include school transformation, financial aid, and implementation of the Federal Workforce Investment Act and other workforce activities.

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**OUS** Office of the Chancellor  
PO Box 751, Portland 97207-0751  
Telephone: (503) 725-5700  
FAX: (503) 725-5709  
Web site: *www.ous.edu*

**The Oregon University System** is governed by an 11-member board appointed by the governor to oversee operation of Oregon's public four-year universities. (ORS Chapter 351)

**Oregon University System** staff, headed by the Chancellor, exercise all functions, not conferred by law on some other agency, relating to supervision and management of the state's seven institutions of higher learning.

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**PERS** 11410 SW 68th Parkway, Tigard 97223-8634  
PO Box 23700, Tigard 97281-3700  
Telephone: (503) 598-7377  
FAX: (503) 598-0561  
Web site: *http://oregon.gov/PERS*

**Public Employees Retirement System** is the public retirement system for state, county, municipal, school and other public employees. Both employees and employers make pension contributions to the system. (ORS Chapter 238)

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**TSPC** 465 Commercial Street NE, Salem 97301  
Telephone: (503) 378-3586  
FAX: (503) 378-4448  
Web site: *www.tspc.state.or.us*

**Teacher Standards and Practices Commission (ORS 342.350)** is a 17-member commission appointed by the governor for three-year terms to:

- Establish rules for teacher and administrator certification;
- Issue teaching certificates;
- Take appropriate disciplinary action against educators and school districts found to be in violation of Oregon statutes or performance standards;
- Adopt standards for teacher preparation programs offered by institutions of higher learning;
- Evaluate teacher preparation programs every five years to assure compliance with the standards and approve teacher preparation programs that are in compliance with the standards.

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## STATE ORGANIZATIONS

The following list includes state organizations you can call for a variety of school-related information. These agencies are especially helpful when you want to give a local issue a state or regional perspective.

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**AFT-Oregon** 7035 SW Hampton Street, Tigard 97223  
Telephone: (503) 595-3880  
FAX: (503) 595-3887  
Web site: *www.aft-oregon.org*

**American Federation of Teachers - Oregon (AFT-Oregon)** is a statewide union for affiliated locals of the American Federation of Teachers. Its membership, however, is limited. Its locals represent a variety of education employees including K-12, community college and higher education faculty and classified staff. AFT-Oregon is affiliated with the Oregon AFL-CIO.

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**Chalkboard Project** 425 NW Tenth Avenue, Suite 400, Portland 97209  
Telephone: (503) 542-4325  
Web site: *www.chalkboardproject.org*

**Chalkboard Project** is funded by five private, Oregon-based foundations whose goals are to help Oregon schools be among the best in the nation – schools that Oregonians will want to support with adequate, stable funding. Its objective is ensuring a quality K-12 public education system by strengthening accountability and providing an adequate and predictable funding source. The foundations involved are: Meyer Memorial Trust, Oregon Community Foundation, Ford Family Foundation, Collins Foundation and Jeld-Wen Foundation.

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**COSA** 707 13th Street SE, Suite 100, Salem 97301-4035  
Telephone: (503) 581-3141  
FAX: (503) 581-9840  
Web site: *www.cosa.k12.or.us*

**Confederation of Oregon School Administrators (COSA)** is a professional association for school administrators, including superintendents, principals, assistant principals, and other central office administrators. Kent Hunsaker is the current executive director.

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**E3** 1100 SW 6th Avenue, Suite 1625, Portland 97204  
Telephone: (503) 952-0001  
FAX: (503) 228-9767  
Web site: *www.E3oregon.org*

**E3: Employers for Education Excellence** is a statewide non-profit organization working with employers and schools to boost student achievement. E3 promotes high academic standards and strong community involvement to prepare all Oregon students for success in post-secondary education and employment. Founded in 1996, E3 works in partnership with business, education, and civic leaders statewide, educating the community about the link between high standards and high levels of academic achievement; bringing diverse opinion leaders and key constituencies together to explore education issues and set the stage for action; and providing tools, training and assistance to equip employers, educators and community members to take action to improve public education in Oregon.

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**OAESD** 2001 SW Nye Avenue, Pendleton 97801  
Telephone: (541) 966-3102  
FAX: (541) 276-4252  
Web site: *www.open.k12.or.us/oaesd*

**Oregon Association of Education Service Districts (OAESD)** represents all 20 education service districts in Oregon. It was formed to help education service districts work together to enhance programs, services and products for local school districts toward the goal of improved learning for all students.

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**OASBO** PO Box 1068, Salem 97308-1068  
Telephone: (503) 588-2800  
FAX: (503) 588-2813  
Web site: *www.oasbo.com*

**Oregon Association of School Business Officials (OASBO)** is a professional association of the Business Managers of Oregon's public schools. The purpose of the association is to provide professional growth opportunities for its members; and to strive for the highest standards of ethics, efficiency and economy in the business methods and practices for the members.

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**OCCA** 1201 Court Street NE, Suite 302, Salem 97301  
Telephone: (503) 399-9912  
FAX: (503) 399-9286  
Web site: *www.occa17.com*

**Oregon Community College Association (OCCA)** is a voluntary association whose members consist of Oregon's 17 community colleges. OCCA serves as the advocacy voice for the community colleges at state agencies and the Legislature.

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**OEA** 6900 SW Atlanta Street, Portland 97223-2513  
Telephone: (503) 684-3300 in Portland, or 1-800-858-5505  
FAX: (503) 684-8063  
Web site: *www.oregoned.org*

**Oregon Education Association (OEA)** is a statewide association for non-administrative public school employees – prekindergarten through community college. OEA represents the majority of teachers, community college faculty and education support professionals in Oregon. The organization is an affiliate of the National Education Association (NEA). Joann Waller is the current executive director.

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**OPEN** PO Box 228, Marylhurst OR 97036-0228  
Telephone: (503) 675-4067  
FAX: (503) 675-4203  
Web site: *www.open.k12.or.us*

**Oregon Public Education Network (OPEN)** is a statewide telecommunication project designed to (1) assist in providing access to a statewide network; (2) provide Web-based information, curriculum, resources, education standards and instructional support to Oregon educators; and (3) coordinate technology acquisition for schools through refurbishment of donated used computers. OPEN is an Oregon Association of Education Service Districts' project partnering with all schools, the state Department of Education, the State of Oregon, community colleges, higher education and education associations such as COSA and OSBA.

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**OSAA** 25200 SW Parkway Avenue, Suite 1, Wilsonville 97070-9616  
Telephone: (503) 682-6722  
FAX: (503) 682-0960  
Web site: *www.osaa.org*

**Oregon School Activities Association (OSAA)** is a non-profit association made up of member Oregon high schools. The association regulates all interscholastic athletics and activities following standards adopted by the State Board of Education.

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**OSBA** 1201 Court Street NE, Suite 400, Salem 97301-4188  
Telephone: (503) 588-2800 in Salem, or 1-800-578-6722  
FAX: (503) 588-2813  
Web site: *www.osba.org*

**Oregon School Boards Association (OSBA)** represents boards from local school districts, education service districts, community colleges and the state Board of Education. OSBA serves board members and districts with legislative representation, board training, management services, policy development, labor relations, communications and other field services. Membership in the organization is voluntary. OSBA's annual convention is in November in Portland. Kevin McCann is the current executive director.

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**OSEA** 4735 Liberty Road S, Salem 97302-5036  
Telephone: (503) 588-0121 in Salem, or 1-800-252-6732  
FAX: (503) 588-8307  
Web site: *www.osea.org*

**Oregon School Employees Association (OSEA)** represents classified employees in Oregon schools, ESDs, community colleges and park and recreation districts.

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**OSSA** 2001 SW Nye Avenue, Pendleton 97801  
Telephone: (541) 966-3102 (George Murdock, Executive Director)  
FAX: (541) 541-276-4252  
Web site: *www.oregonssa.org*

**Oregon Small Schools Association (OSSA)** is a non-profit entity organized for the purpose of improving instruction in small elementary and secondary schools (public and private) in Oregon.

The association's main goal is to improve instruction in Oregon schools by promoting and facilitating excellence in teaching by providing staff development opportunities.

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**PTA** 531 SE 14th Avenue, Room 205, Portland 97214  
Telephone: (503) 234-3928  
FAX: (503) 234-6024  
National Web site: *www.pta.org*  
Oregon PTA Web site: *www.oregonpta.org*

**Oregon Congress of Parents and Teachers (PTA)**, an affiliate of the National Parent Teachers Association, is a volunteer organization of parents whose main objective is to promote the welfare of children.

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**Stand for Children** 516 SE Morrison St., Suite 206, Portland 97214  
Telephone: (503) 235-2305  
FAX: (503) 963-9517  
Web site: *www.stand.org*

**Oregon Stand for Children**, founded in 1999, is Oregon's leading voice for children, bringing together people from all walks of life to make children a top political priority. Oregon Stand for Children believes in investing in our children now – in their education and enrichment from pre-school through high school, their health, and their safety – to ensure they have a fair chance in life and to create a better future for Oregon.

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## REGIONAL AND NATIONAL RESOURCES

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**NWREL** 101 SW Main Street, Suite 500, Portland 97204-3297  
Telephone: (503) 275-9500  
FAX: (503) 275-0448  
Web site: *www.nwrel.org*

**Northwest Regional Educational Laboratory (NWREL)** is a private, non-profit corporation conducting research, development, training, technical assistance and other services for schools and communities. Its products and publications are made available to educators and the public. NWREL's primary service area is the Northwest states of Alaska, Idaho, Montana, Oregon and Washington. It is one of a national network of 10 educational laboratories. NWREL works under grants and contracts with the United States Department of Education, state education agencies, local education agencies and other organizations.

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**NSBA** 1680 Duke Street, Alexandria, VA 22314-3407  
Telephone: (703) 838-6722  
FAX: (703) 683-7590  
Web site: *www.nsba.org*

The **National School Boards Association** is a not-for-profit federation of state associations of school boards across the United States. Its mission is to foster excellence and equity in public education through school board leadership. Founded in 1940, NSBA currently, through its Federation of State Associations, represents 95,000 local school board members, virtually all of whom are elected. These local officials govern 14,890 local school districts serving the nation's more than 47 million public school students.

The association's *School Board Journal* and other publications, available at *www.nsba.org*, or by contacting the NSBA at (703) 838-6722, provide a valuable resource for state and local education stories that involve federal funding or federal regulations.

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**U.S. Department of Education** Washington, DC 20202  
Telephone: 1-800-872-5327  
TTY: 1-800-437-0833  
FAX: (202) 401-0689  
Web site: *www.ed.gov*

The **U.S. Department of Education** has responsibility for administering all federal legislation related to education. The department currently administers a budget of about \$71.5 billion per year and operates programs that touch on every area and level of education. The Department's elementary and secondary programs annually serve approximately 14,000 school districts and nearly 54 million students attending more than 93,000 public schools and 27,000 private schools. Department programs also provide grant, loan, and work-study assistance to more than 9.5 million postsecondary students.

The *ED Organizational Directory*, <http://web99.ed.gov/EDLocator>, provides a detailed list of the department's headquarters and regional offices, including the manager, telephone number, and address for each office, as well as fax and TDD/TTY numbers where available. Calling 1-800-872-5327 also can access the directory.

Use the Guide to U.S. Department of Education Programs, <http://web99.ed.gov/GTEP/Program2.nsf>, to find the name, telephone number, and e-mail and Web addresses for the Department office to contact for more information on each of the programs that the Department administers.

