

Law Conference Summary:

Finances: A Brief History of the state revenue. K-12 funding 1990-2021

Total in Billions: 1991 2 Billion and finally the local funding has finally surpassed the 1991 level.

Measure 5 half the money that went to schools was cut in half and even decreased. Local Funding and State Funding. The Equalization Formula was developed and it was intended to be a temporary formula and yet it is still here today. It gets challenged each biennium but there has been no significant changes to the formula. Property taxes were stable, convenient, and easy to budget but the system continues to have its ups and downs. The spending level per student is going up but the volatility of the system has made it difficult to maintain staffing levels and programs at various times. Typically the school districts in Oregon have been cutting programs for over 22 years. The state has had to make the funding up on a yearly benefit and it is an amazing process. Also state income tax is also at a fixed rate and that makes sustainability difficult.

Today: 2019-2020, a little over 40 percent of the entire state government's budget goes to education. Currently it is around 9 billion dollars. With the new SSA we have a third tier of funding and that will help with the stability and add additional money to education. The Sales Tax option has not taken hold in Oregon and it has not truly been considered as an option.

Oregon's budget is a Revenue formula with a strong belief in local control at the district level, it is not an entitlement system. It is a system that has been built in accountability and it is considered an accountability system that is outcome based.

Revenue: 9 billion. State revenue is 86 % income tax. The lottery was established to benefit education, but has not made a significant difference and this revenue continues to shrink yearly. 100 million dollars from marijuana business tax. 643 million from the Student Success Act (SSA) 7.9 billion from the general fund and if there is a recession in the future it will significantly reduce this amount.

During the recession the banks were required to pay the property tax and the revenue from property taxes went up (which surprised everyone.) It was more solid during the recession than it was normally and the state didn't anticipate this and budgeted off the numbers, resulting in two large "Kicker Refunds."

Revenue Outside the Lines: The local option is an extra tax within a school district and currently 21 districts operate using this additional tax in Oregon, it is not a lot of money but can make a difference in some cases. Measure 5 Limits are still in place that limit revenue growth. Measures 47 & 50 Limit: Local Option. English Second Language Students (ELL): Oregon pays the most in the country with a 1.5 weighted, and Illinois is the next closest at 1.2

Federal Government contributes only 10% of the total state funding. Assessed Value averages around 3.8% in Oregon, but is limited to 3%. Districts are held harmless for 18 months but revenue corrections are made twice yearly. Disbursements are done by grants and there are a lot of them: The largest ones are: Sub Grants (Title), Free and Reduced Lunch, TAG, or Virtual School, Pediatric Nursing, Special

Education (SPED), Career and Technical Education (CTE), Student Success Act (SSA), Transportation, Facility Grants, High Cost Disability

Basic Law Issues:

- a) Prohibited Discrimination: It is unlawful to reject an applicant because of race, national order, religion, sex or sexual orientation, martial status, protected activity, union, or medical leave. Avoid hiring family members as direct reports, if unavoidable, contact the ESD for supervision. Following the job description is important because otherwise it can be falsely advertised.
- b) Hiring and Offering a job: Internal applicants & Former Employees: If an employee is out on leave they need to know about the position so that they are given an opportunity to apply. Review all applications, confirm criteria is met, describe the positions again in the interview process, review resume concerns, written comments need to be professional, keep three years of records, lawyers recommend four. Having a script of questions helps to avoid asking personal or prohibited questions (such as “who will watch your family?” or “what is your current salary?”) Qualified candidates who are Veterans must be given preference, which applies to promotions as well. If you do not use a points system, you must explain totally why a Veteran was not hired if that should occur. Veteran Applicants not selected have right to ask for written explanation as to why you did not hire them. When making a job offer, make a job offer in writing. Must have: background check, pre-Employment Drug Test (marijuana is still illegal under federal law and can be reason for not hiring), last three education employment verification and subject of abuse of sexual conduct form.
- c) Investigations: Gather all information, always investigate if there is a suspicion of wrongdoing, a disagreement, or an informal complaint. No matter how it is received you must gather information and investigate. Select neutral/objective investigator (potentially outside or an attorney investigator.) This is good to use in situations where litigation is likely. Set clear expectations of privacy, typically in staff handbooks. An audio recording of witnesses is public record and does not replace written notes, written notes should be prepared by investigators and signed by witnesses. No decision is made until the investigation is completed.
- d) Policy: Workplace Harassment: SB 429. January 1st 2020 we must have an updated workplace harassment policy. SB 3077: No more settlement agreements that has the effect to suppress information about abuse or sexual conduct from any documents maintained by an educator provider. New electronic communication training and we have to give volunteers and contractors the same information on these topics. Mandatory reporting requirement of School Board Members: they are now required to report suspected child abuse. The OSBA website has training for board members on this.

OSBA November Conference Highlights:

Public Meetings/Public Records/Ethics: All records, including emails, texts, handwritten notes, etc. are subject, call attorney because there may be some exemptions. Public records are open to anyone! A quorum deliberating is a district meeting, and can happen via email. Do not reply all to avoid accidental

deliberation. Communication outside of meetings should be strictly personal, and not touch on district business. If questions occur, superintendent to individual board members is the proper way things should be done. OSBA represents the district as a whole and can't take sides either way, they are a support group.

Sesion on Student Sucicide:

Harassment has been identified as the number one reason why students want to harm themselves. This is especially the case with cyber harassment and media presence amongst peers (Instagram is a popular channel for harassment.) Digital identity and representation is an issue and school districts need to address the proper use of social media and well as parents. SB 1567 is new and when you threaten a person you can be held accountable. Oregon and digital security act is a law that is in place and there is an ODE toolkit for districts. We as a society are behind the actual events, especially in Oregon but this new law helps. Drug assemblies and cyber bullying trainings are a useful tool, and research has shown that these presentations are very productive when conducted at local churches.