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503-588-2800 | 800-578-6722 | Fax 503-588-2813 | www.osba.org

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To: House Committee on Business and Labor
From: Richard Donovan, Legislative Services Specialist
Re: Senate Bill 580
Date: May 19, 2021

Chair Holvey, Vice-Chairs Grayber and Bonham, members of the committee:

On behalf of OSBA membership, including 197 school districts and 19 Education Service Districts throughout the state of Oregon, thank you for the opportunity to testify on SB 580. OSBA strongly opposes the passage of SB 580.

SB 580 would make class sizes and certain other caseloads mandatory subjects of bargaining in labor negotiations between public school district employers and employees. Currently, class size is a permissive subject of bargaining, meaning both sides can discuss it and choose to include it during contract talks but it does not have to be negotiated. SB 580 would require negotiations that could include paying teachers extra for larger classes or face the possibility of a strike. We ask that you oppose SB 580 for reasons which can broadly be captured as follows:

Mandating Class Size Bargaining Is Contrary to Oregon’s Equity Goals.

Equity-based investments, not equality in class size, are best for students. In PPS, years of class-size overages has resulted in payments to educators in the schools teaching the historically best-served students.

The Salem-Keizer School District SIA process is an example to consider. *There Is No Reason That Class Size Bargaining Will Lead to Smaller Class Sizes.*

In PPS, years of class-size bargaining has not lowered class sizes.

Mandating Class Size Bargaining Could Lead to Strikes

Strikes are among the most-harmful outcomes of student achievement. Class-size strikes in WA closed schools for tens of thousands of students.

Academic Research Indicates Investments in Class Size Reduction are Among the Least Cost-Effective Ways to Invest in Education.

Multiple articles and publications make this clear.

The 2016 Task Force on Class Sizes recommended equity investments. Complete testimony follows for your consideration. Please oppose SB 580.

Mandating Class-Size Bargaining Is Contrary to Oregon’s Equity Goals.

In recent years, most notably with the passage of the Student Success Act of 2019, Oregon’s legislative investments in education and policy directions from the Legislature have been a national leader in equity. OSBA has supported measures to make a more inclusive, equitable, and racially just public education system. The Student Success Act, with the focus on traditionally underserved students and inclusive community engagement process, is the best example among many of this type of policy investment.

Oregon students are demonstrating the benefits of this focus on equity and justice. Just a few weeks ago, Oregon Department of Education Director Colt Gill touted equity as a chief reason for the dramatic increase in high school graduation rates, telling *The Oregonian* that this success was directly attributable to Oregon’s “continued efforts to foster equity and excellence.”¹

A recent example of equity-based decision-making can be found in the Salem-Keizer School District. After receiving \$35 million in Student Investment Account funds, the district established the SIA Taskforce² to take community input and establish the plan to use those funds. The taskforce considered all available SIA options, including class size reduction, and ultimately chose to target investments to ensure that all students and schools would receive:³

- Targeted intervention supports at the elementary level.
- Increased instructional time and teacher prep time in middle school.
- Additional mental health supports.
- Increased translations services.
- Access to afterschool programs at middle school.
- Low or no cost to participate high school sports and activities.

¹ *The Oregonian*, Jan. 27, 2021; “Opinion: Focus on equity, excellence drives up Oregon graduation rates.” <https://www.oregonlive.com/opinion/2021/01/opinion-focus-on-equity-excellence-drives-up-oregon-graduation-rates.html>.

² <https://salkeiz.k12.or.us/sia-taskforce/>

³ <https://salkeiz.k12.or.us/news/sia-approval-feb-2020/>

This example of an inclusive, equity-based process stands in contrast to mandatory bargaining over class size. Class size does not include consideration of other adults, including classified or non-licensed staff, in a classroom. It does not include consideration of the specific needs or circumstances of the students in that classroom, whether or not they have enough to eat every day or have the support they deserve at home. Or even if they have a home to go to at the end of the school day. It is about setting an equal level of students in every room.

Some students come to school lagging behind their peers because of factors outside of the student or school's control. Giving those students equal class size as other students will not close the achievement gap. But making sure that these students have access to targeted supports and that their schools have enough funding to deliver these supports effectively just might. Policies mandating equality are policies that work against equity.

There Is No Reason to Believe That Class Size Bargaining Will Lead to Smaller Class Sizes.

If the desired outcome is a discussion about class size during the bargaining process, then SB 580 is unnecessary. Class size is a permissive subject of bargaining and school district boards regularly engage in class-size and workload discussions. Some districts, including Medford, St. Helens, and Portland Public Schools, either currently include or have previously included class size language in contracts.

Consider the example of Portland Public Schools. The current PPS contract,⁴ bargained in 2018, contains overage-style “overload” payments for larger-than-bargained class sizes or workloads. The amounts are included in the contract with a common example being 1.5% of salary calculated each semester for a total possible overload payment of 3% each year.

⁴ <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/219/PAT%20Contract-FINAL%20013018%20%205pm.pdf>

PPS has not seen a significant investment in class-size reduction policies to lead to a general reduction in class sizes since the adoption of this contract provision. Instead, the result has been that certain classes have been overloaded, leading to overload payments for teachers to the amount of approximately \$2.5 million.

Broadly, these payments seem to be going to educators teaching students representing the historically best-served students in the district. Of the total underserved student designation, more than \$2 million of the total \$2.5 million went to educators teaching the top 50% of the best-served students.

Underserved students (racial/ethnic, free/reduced meals, SpEd, ESL)

Combined Underserved (CU) Range⁵	2018-19 Overages	2019-20 Overages	Total Payments (w/out Fringe)	# of Schools
<25%	\$164,260	\$229,704	\$393,964	6
25-50%	\$622,967	\$1,017,889	\$1,640,856	38
50-75%	\$170,578	\$134,048	\$304,626	24
>75%	\$102,347	\$69,464	\$171,811	14
Total	\$1,060,152	\$1,451,106	\$2,511,258	82

If the information is arranged with a specific focus on Historically Underserved racial student populations, then the result is even more stark.

⁵ PPS' current definition of Combined Underserved (CU) includes the following: Students receiving Special Education services; Students receiving English as a Second Language (ESL) services; Students eligible to receive free meals by Direct Certification (DC); Students of Historically Underserved (HU) Races, includes any of the following races, ethnicities, or ancestry: Black, Latino/Hispanic, Native American, Pacific Islander.

Historically underserved students (racial/ethnic student-specific information)

Historically Underserved (HU) Range	2018-19 Overages	2019-20 Overages	Total Payments (w/out Fringe)	# of Schools
<25%	\$695,621	\$1,097,277	\$1,792,898	36
25-50%	\$195,849	\$242,068	\$437,917	27
50-75%	\$166,787	\$102,651	\$269,438	15
>75%	\$1,895	\$9,110	\$11,005	4
Total	\$1,060,152	\$1,451,106	\$2,511,258	82

Of that \$2.5M, approximately \$1.8M went to educators teaching at the schools containing the top-quartile of students in the district. In contrast, approximately \$11,000 went to the bottom quartile.

In the PPS example, it seems clear that there has not been an investment in class size reduction policies due to this bargained provision. Rather, the result is that overload payments to educators have been made, and overwhelmingly the educators receiving these payments have been teaching students representing the district’s historically best-served students. In contrast, the educators serving the historically most-underserved students have received a minuscule amount of the total payments. In-depth reporting on the PPS example demonstrates that payments go “overwhelmingly at schools with upper-middle-income parents.”⁶

It is a bad policy to require school districts to bargain over penalty clauses in contracts for class sizes that are beyond their control. School districts cannot

⁶ The Oregonian/Oregon Live. “Oregon legislators are poised to mandate teacher union say on class size. Portland’s experience suggests it could undermine push for equity.” Retrieved May 19, 2021. <https://www.oregonlive.com/politics/2021/05/oregon-legislators-are-poised-to-mandate-teacher-union-say-on-class-size-portlands-experience-suggests-it-could-undermine-push-for-equity.html>

control how many students register for legally-entitled school services. And these provisions do not, practically, cause districts to invest in class size reduction policies. Rather, as the PPS example indicates, they push money out of the budget and into educator overload payments.

Mandating Class Size Bargaining Will Imbalance Labor Relations and Could Lead to Strikes

If school districts are forced to negotiate over class size, then the possibility of strikes in school districts across Oregon becomes much more likely. Consider Washington state. Voters in Washington passed I-351 in 2015, a statewide ballot measure targeting class size. When the Washington Legislature declined to implement that measure, citing the then-ongoing *McCleary* education funding case,⁷ tens of thousands of teachers walked out. The strikes affected at least 65 school districts⁸ across Washington. An estimated 30,000 teachers walked out of classrooms.⁹ In Seattle alone, more than 50,000 students were unable to attend class.¹⁰

There are few outcomes more damaging to a local community and to student achievement than teachers walking out on strike. Strikes are bad for students. Strikes cost learning time and harm student achievement.¹¹ Enacting SB 580 would make strikes more likely.

Academic Research Indicates Investments in Class Size Reduction are Among the Least Cost-Effective Ways to Invest in Education.

⁷ http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.McCleary_Education

⁸ <https://www.washingtonea.org/ourvoice/walk-outs/>

⁹ http://inthesetimes.com/working/entry/18004/washington_state_teachers_strike

¹⁰ https://www.huffingtonpost.com/2015/05/19/seattle-teachers-strike_n_7338474.html

¹¹ https://www.washingtonpost.com/news/wonk/wp/2012/09/10/how-teacher-strikes-hurt-student-achievement/?utm_term=.daec40b9b0fa

There is limited academic study on class size, but recent studies and articles indicate that class size reduction policies are expensive and that other investments, such as targeted, equity-based investments, will be more beneficial. The Oregon Legislative Joint Task Force on Class Sizes of 2016¹² received a presentation from the Education Commission of the States containing that information, specifically saying that class size reduction “is not necessarily a cost-effective investment. Class size reductions are expensive and lower cost interventions such as tutoring may be more effective.”¹³ The final report of that Joint Task Force endorses equity and “recommends prioritizing Oregon’s most vulnerable children.”¹⁴

This is consistent with most of the literature regarding investments in class size reduction strategies. For further information, please consider the following studies, reports, and articles, all of which contain relevant information and broadly similar conclusions:

- *Class Size Policy Overview*, Jennifer Thompson, Education Commission of the States, July 2016.¹⁵
- *Class Size: What Research Says and What It Means for State Policy*, Chingos and Whitehurst, Brookings Institution, May 2013.¹⁶
- *Class Size and Student Achievement: Research Review*, Center for Public Education, July 2005.¹⁷
- *Class Size Reduction, Teacher Quality, and Academic Achievement in California Public Elementary Schools*, Christopher Jepsen and Steven Rivkin, Public Policy Institute of California, 2002.¹⁸
- *Should States Spend Billions to Reduce Class Sizes?*, Amelia Thomson-DeVaux, fivethirtyeight.com, December 2014.¹⁹

¹² <https://olis.leg.state.or.us/liz/201511/Committees/JTFCS/Overview>

¹³ <https://olis.leg.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/91472>

¹⁴ <https://olis.leg.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/95125>

¹⁵ <https://olis.leg.state.or.us/liz/201511/Committees/JTFCS/2016-07-19-09-00/MeetingMaterials>

¹⁶ <https://www.brookings.edu/research/class-size-what-research-says-and-what-it-means-for-state-policy/>

¹⁷ <http://www.centerforpubliceducation.org/Main-Menu/Organizing-a-school/Class-size-and-student-achievement-At-a-glance/Class-size-and-student-achievement-Research-review.html>

¹⁸ http://www.ppic.org/content/pubs/report/R_602CJR.pdf

¹⁹ <https://fivethirtyeight.com/features/should-states-spend-billions-to-reduce-class-sizes/>

- *Class size reduction program continues to unravel*, Louis Freedberg, EdSource.org, May 2012.²⁰

Conclusion

Mandating class size bargaining in school district bargaining would be bad for Oregon schools and students, especially historically underserved students. It could be costly for school districts. There is no evidence it is a cost-effective policy. And it could lead to labor strife and an increase in strikes. Please oppose SB 580.

²⁰ <https://edsources.org/2012/class-size-reduction-program-continues-to-unravel/8730>