



To: House Committee on Education
From: Richard Donovan, Oregon School Boards Association
Re: House Bill 2651
Date: February 22, 2017

Chair Doherty and members of the House Committee on Education:

On behalf of OSBA’s membership, including 197 school districts and 19 Education Service Districts throughout the state of Oregon, thank you for the opportunity to testify in opposition to HB 2651. OSBA stands in opposition to HB 2651 for several reasons:

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- *HB 2651 would increase costs for school districts while simultaneously limiting the ability of school districts to manage programs and course offerings*

HB 2651 would make class size a mandatory subject of bargaining for labor negotiations between school districts and teachers. Doing so would remove the ability of local school districts to locally control how schools are run, including potentially limiting programs, course offerings, electives, extracurricular activities, and even core classes. Currently, school district boards work hard to best meet school and community needs on a tight budget. For example, a district could choose to offer elective courses with larger class sizes in order to keep class sizes in core course down. Or a district could choose to offer a wide variety of programs with larger class sizes rather than a very small number of programs with smaller sizes. HB 2651 represents the addition of a costly constraint on schools because currently school districts have the ability choose how to best manage offerings for students, and HB 2651 would take much of that ability away.

- *Most policy research, including the 2016 Task Force on Class Sizes, indicates that class size should be addressed by increasing funding*

The most recent work on the effect of class size in student learning was done by a 2015-16 interim committee, the Task Force on Class Sizes. That committee scrutinized national- and state-level research on all aspects of class size and found that all preceding research did not apply very well to Oregon’s education system. The report states that, “Because class size research has examined the impact of the difference between regular (22-25) versus small (13-17) class sizes, little is known about the specific impacts of class sizes as large as those that are typical in Oregon.”¹ Effectively, because of the existing large class sizes in Oregon, the committee concluded that there is no research that indicates that lowering the average class size from, for example, 24 students to 21 students at grade 4 will have any measurable impact.

¹ Task Force on Class Sizes. *Progress Report of the Joint Interim Task Force on Class Sizes as Required by House Bill 2928 (2015)*, at 6. Oregon Legislature, 2017. Accessed February 20, 2017. <https://olis.leg.state.or.us/liz/20151/Committees/JTFCS/2016-12-06-15-30/MeetingMaterials>

The report indicates that Oregon has, “the largest class sizes ... in the nation,”² but says that the correct way to deal with large class sizes is to increase funding in accordance with Quality Education Model (QEM) recommendations. Increasing funding is the only way to remedy the problem of large class sizes. “Appropriate class sizes and costs estimates to achieve reductions have already been determined by the Quality Education Commission... The Task Force wholeheartedly endorses the QEM and recommends the Legislature adopt and follow it.”³

OSBA does not endorse class sizes that are above the recommended levels of the QEM. Classes that are too large have negative impacts on students, especially students of color and traditionally underserved students. OSBA agrees with the findings of the Task Force on Class Sizes and the Quality Education Commission; the best way to deal with large class sizes is by increasing funding, not by changing labor law.

- *Designating class size as a mandatory subject of bargaining would disrupt an otherwise stable body of labor law with no clear benefit to students*

Existing law clearly and appropriately considers class size to be a permissive, not mandatory, subject of bargaining. The controlling case on the issue is an Oregon Supreme Court decision, *Tualatin Valley Bargaining Council v. Tigard School District* (1992).⁴ That case, dealing with a specific bargaining circumstance in Tigard, indicates that the decision-making method used by the Employment Relations Board (ERB), a balancing test, is the appropriate one. The court said that the “ERB... erred in its interpretation” of factors of the test, not that the test itself was incorrect.⁵ The balancing test, in which the ERB weighs, “the impact of a bargaining proposal on management prerogatives against the effect of the proposal on employment conditions of the affected employees”⁶ is settled law, and has been for 25 years. HB 2651 could be incredibly disruptive to this body of law without any clear benefit to students. If the concern is that class sizes are too large, then focusing on funding, not changing labor law, is the better remedy for the problem.

- *School districts must extend services to all resident students, making class size entirely out of the control of the school district*

School districts do not have the option to turn away resident students. HB 2651 would severely curtail the ability of districts to deal, at a very practical level, with changes in student enrollment.

² Ibid, 6.

³ Ibid, 15.

⁴ *Tualatin Valley Bargaining Council v. Tigard School District*, 840 P. 2d 657.

⁵ Ibid, 4.

⁶ Ibid, 2.