



Testimony in Support of House Bill 2001A
Senate Committee on Rules

Speaker of the House Tina Kotek
June 3, 2021

Colleagues, thank you for the opportunity to provide testimony to this committee in support of House Bill 2001A, which unanimously moved out of the House Rules committee and passed the House with a bipartisan 51-8 vote.

During the statewide tour to develop the Student Success Act in 2018, legislators heard from students across Oregon about how to best improve our public education system. The passage of that landmark education bill in 2019 will lead to historic investments in our children's education for many years to come, including ongoing efforts to eliminate opportunity gaps for students of color, students with disabilities, ESL students, low-income students and students from tribal communities.

But a common theme that I know many legislators heard directly from students on the statewide tour was the need to have teachers who share their own lived experiences. Nearly 40% of Oregon's students identify as racially, ethnically and linguistically diverse. Those definitions only apply to 10% of educators.

For at least 30 years, since the passage of the Minority Teacher Act of 1991, Oregon law has had the stated goal of making "the number of minority teachers, including administrators ... proportionate to the number of minority children enrolled in the public schools of this state." Oregon has never reached that goal.

House Bill 2001A is a contingency plan that allows districts to retain qualified, less senior teachers during a rare reduction in force. Oregon is one of 16 states that prioritizes seniority over other factors when making reductions in teaching staff during difficult budget situations. Oregon law also specifies when a reduction in force may occur, i.e., when there is a lack of funds to continue an education program at its anticipated level and an elimination or adjustment of classes due to an administrative decision. Laws that prioritize seniority are often referred to as "last in, first out" policies.

This past year has been a reality check for many districts. The fear of the pandemic's effect on district budgets raised the issue of how teachers could be retained when they have less seniority yet are critical to supporting their students' social and emotional learning.

So, how does House Bill 2001A work?

First, here's what does not change from the process in current statute:

- Definitions of seniority, merit, and competence;
- Seniority as the primary factor directing reductions in force;

- The ability of districts to bargain on merit and competence; and
- That a teacher must be qualified, properly licensed and credentialed in order to be retained.

Here's how the current reduction in force (RIF) process would change with HB 2001A:

- Under the current RIF process, teachers qualified to fill remaining positions in the district are retained by seniority. Competence or merit can be considered, as determined by local collective bargaining agreements. Ties in seniority are then broken by lots.
- Under the bill, the current process would play out unless the release of a less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to those without that expertise. If the proportion is lessened, then the district shall retain the teacher with cultural or linguistic expertise if they have similar or less seniority.
- The bill doesn't apply if layoffs do not affect the proportion of teachers with cultural or linguistic expertise.

The bill defines a new factor of "cultural or linguistic expertise" to describe one or more of the following:

- Fluency in a non-English language spoken by 5% or greater of the district's students;
- Participation in statewide, regional, and/or local initiatives or programs, such as scholarship programs or career pathway programs, aimed at retaining culturally or linguistically diverse educators; or
- The teacher's current work assignment provides for "half time" spent at a school where at least 25% of enrollees are from a historically underserved background, or, if assigned to multiple programs and schools within a district, 25% or more of the program enrollees or district's student population is from a historically underserved background.

The intent of the work assignment criteria is to help retain teachers who might not speak another language or who might not have entered the classroom through a pipeline program, but who do contribute to the social and emotional learning of students. This is not meant to restrict the assignment of teachers in any way.

I want to thank advocates who have worked hard to build broad agreement around this bill. Seniority is an important and long fought for protection for teachers. We also need a tool to ensure that we have a way to maintain our investments in a workforce that reflects the lived experience of students. Although we have much more work to do to improve teacher recruitment and retention, this bill will help ensure we remain focused on both those targets.

I urge your support for House Bill 2001A. Thank you for your time and consideration.