



Date: February 23, 2021
To: House Education Committee, Chair Alonso Leon and Members
From: Jared Mason-Gere, Oregon Education Association Government Relations
RE: *Opposition to HB 2001*

Chair Alonso Leon and members of the House Education Committee: The Oregon Education Association on behalf of our 41,000 educators statewide respectfully submits testimony in opposition to HB 2001 as introduced.

To be clear, the issue that HB 2001 purports to address is one that is very serious and important. We know that students not only do better when they have educators with backgrounds and lived experience similar to theirs, but they thrive and understand the world more completely when they have educators from a variety of backgrounds. The Oregon student population is comprised of over 40% students of color, and models show it moving rapidly toward 50%. Meanwhile, as a state we have struggled to achieve an educator workforce that is roughly 11% Black, Indigenous, and People of Color.

We must continue to address the long term, systemic, and complex factors that have led to this shortage in our workforce. These issues primarily arise, and will be addressed, through improvements through recruitment, hiring, and retention. Those will be the efforts that truly improve the experience for Oregon students of color. Layoffs play a very small to nonexistent role in the shortage of educators of color due to the infrequency with which they occur and the small number of educators they affect.

At the same time that HB 2001 does not meaningfully address the teacher workforce issues we all desire to fix, it does risk creating long lasting detrimental side effects. Since the late 1990s, collective bargaining agreements across Oregon have systematically and purposefully omitted “merit”-based language in contracts due to causing difficult and chaotic layoff processes in the past and allowing and encouraging favoritism, unfairness, and bias against disfavored teachers and staff—often and most particularly against educators of color. We fear the language in HB 2001 will create a messy process of trying to reopen and renegotiate contracts. We also fear that this bill could create legal challenges that could set back affirmative hiring and retention practices even further. Legal precedent is very clear that hiring can be used to advance equity goals, but layoff cannot. It is also clear that hiring ratios can be used relative to qualified applicants, but cannot be used for other populations such as population served. If a court challenge were brought against this practice, given the conservative makeup of the court system, this could lead to dramatic steps backward on equity and inclusion in the workplace.

OEA worked hard to center voices of BIPOC educators of in this conversation about HB 2001 after it was introduced. Our effort was to ensure we had a thorough understanding of the practical and on-the-

ground implications for BIPOC educators and the students they serve. We brought this before a number of BIPOC member-leaders in our organization and internal committees designed to lift up the voices of educators of color in all stages of their career and from all over the state.

Those educators raised concerns that HB 2001, by eliminating objective worker protections and replacing them with subjective and flexible terms, would empower administrators to further exhibit bias and favoritism. The history of this behavior is long and educators of color continue to bear the brunt of it.

BIPOC educators also raised concerns that HB 2001 would remove protections that have allowed them to stand up and advocate for students of color and their families. This can often take the shape of unpopular opinions with district administrators when pushing for practices and outcomes for underserved students, and BIPOC educators have experienced and could continue to experience exacerbated circumstances that involve retribution and retaliation for voicing concerns about unmet student needs.

BIPOC educators raised additional concerns that focusing on professional development or language skills are arbitrary and are not aligned with diversity and representation goals. Administrators can determine who can and will receive professional development and how it is applied. Educators of color have raised concerns that they have already been passed over for professional development, or have and would be forced to pursue professional development that causes them to sacrifice the pursuit of continuing education that would best serve their students.

Finally, concerns have been raised that HB 2001 creates dynamics whereby one colleague is pitted against another in seeking to protect their job and could exacerbate any existing bias in the workplace among peers. Existing layoff and recall practices are designed to minimize this sort of friction between colleagues.

We want to reiterate our commitment to the pursuit of policies to address longstanding systemic policies that have led to the shortage of BIPOC educators in Oregon schools. We have brought forward policy ideas and will continue to further prioritize policy ideas that address the true root causes of this shortage: recruitment, hiring, and retention.

We know that educators of all races and ethnicities leave the profession at an alarming rate in the first five years of their career. BIPOC educators leave the profession at a rate that is again 24% higher than their white peers. We have invested significant energy in truly listening to the needs of BIPOC educators and students and have brought forward some policies to tackle some of the existing barriers. We continue to develop additional ideas and are eager to work with all other stakeholders to address the drivers of our current shortage.

OEA and all of our members look forward to helping lead a conversation that will yield meaningful and lasting improvements in our education system.