

By Oregon Substitute Teachers Association

Sen. Dembrow, Sen. Weber and Senate Education Committee members:

Substitute teachers want to work with their full-time colleagues and administrators to create the best schools possible. Your committee has brought together a number of excellent proposals in SB 283-3 to restore respect and security to school employees. Thank you for bringing forward these solutions.

Thank you for addressing the issues of substitute teachers in Section 7.

- 1) PERS.** The addition of PERS to ORS342.610 does not add a new group to PERS. Substitute teachers have been able to earn PERS since 1971. It is simply restoring PERS to those approximately 600 teachers who lost it through no choice of their own, because of the outsourcing, which began in 2015. SB 283 does not grant PERS to all substitutes, but indicates that they must be in a “qualifying position”, meaning that they work the 600 hours. PERS has rules for how teachers can use hours worked concurrently for more than one employer to become and remain members of PERS. Substitute teachers who works less in some months remain members so long as they have made the 600 hours in the last year. But most career substitutes work far more than 600 hours, and they are the backbone of the educational system.

Our research shows the approximately 8-10% of the substitute teacher pool work the 600 hours per year. These are the career substitutes who hold full-time teachers’ licenses and replace teachers for up to a year at a time. It is just wrong for them not to get PERS. Their salary does not reflect their advanced degrees or years of experience. PERS has been their only benefit. Whether they receive PERS should not matter depend upon which district they serve. The opportunity to earn PERS is truly a work incentive for substitute teachers to be available when called.

- 2) Retroactivity.** SB 283 offers no retroactivity for the substitute teachers who were outsourced, but continued working the 600 hours in the eight intervening years, since outsourcing began in 2015. During that time even though they continued to work in the public schools, they were considered to be working for a private employer, and their hours were not reported to PERS. The school districts have records of the substitutes teachers who worked and their hours, because before doing payroll, the third parties must verify with the school district that the substitute teacher actually worked.

**3. ORS 342.610 as an employee contract.** Substitute teachers may be unique in that our pay scale is set in law and we have agreed to negotiate at the legislature rather than the bargaining table. ORS 341.610 is our employment contract with the state, administered by ODE. That in itself should make us public employees. Over the years we have added the minimum half day, long-term teachers, and four-day school teachers. We have not been as successful in adding due process. This is a contract for all of the substitute teachers in Oregon who do not bargain collectively (Subsection 6). Only Eugene, Portland, and Beaverton have substitute teacher union contracts. SB283-3 rightfully restores the PERS opportunity to all substitute teachers in the state. But not all will work the 600 hours. All of this contract has been honored by third parties. For this reason, through ORS 342.610, all substitutes throughout the state would have the same salary, working conditions and equal opportunity to earn benefits.

- 4) Substitute Teacher Management.** We must come to grips with the fact that outsourcing teachers has done harm to the education process. School boards have been led to believe that they are saving money, and administrators may feel that they are relieved of supervising substitute teachers, but so much more has been lost. Seeing this happening is extremely discouraging to professional teachers. Some have moved to districts which have chosen not to outsource, who still value their education and experience and which offer PERS. Others have chosen to leave education. Substitute teachers are not babysitters, they are not “hourly employees,” and trying to make educators

into independent contractors has not worked to the benefit of the schools. **Please bring them back to the schools as employees** with *real* lesson plans so they can *really* teach and further the schools' educational programs. School employees involved in teaching, be they certified or classified, cannot be effectively outsourced, because they need the interaction of their school community to be successful. Substitute teachers are looking forward to being able to work with their principal and fellow teachers without fear of dismissal by a third party employer.

Substitute teachers available to be on call to a district, should be trained on that district's expectations and trusted with access to the district's classroom computers and passwords so that they are not locked out of access to their lesson plans and passwords for equipment. Give them training on any equipment the district uses, such as projectors and smartboards. The Sub-finder systems that call these teachers to work should be programmed by license type: 1) full-time licenses 2) unrestricted substitute teaching licenses 3) restricted substitute teaching licenses. It is not fair to those who have invested in a Masters degree, teacher certification program, full-time licensure and continuing education to be crowded out by people with no teacher training whose license is paid for by the school district. Having substitute teachers who hold teaching degrees and have experience in running a classroom called to take the first jobs will go a long way toward bringing back sanity and learning to our classrooms.

We learned that the contracts the school districts have with the outsourcers require them to pay a large set-up fee. This money goes out of state. School districts can get a cheaper price if they get other districts to sign up. In addition, monthly payments must be made in advance for an estimated number of teachers-- to pay salary, payroll deductions, benefits. If more teachers than the estimated number are required, as one HR person admitted to us, instead of remitting more money to the outsourcer, the district may ask regular teachers to fill in, incorrectly thinking they will not need to pay the regular teachers. In reality, they would have paid less for substitute teachers, and they have degraded both the teachers' time and the learning process. This is no way to run a school. **Let's bring the hiring and payroll of all teachers back under school management**, as most schools have many reasons for using substitute teachers—and money for their use may come from various funds, such as teacher training, field trips, or testing—not entirely from a fund for substitute teachers.

**5. Paid Training.** BOLI has ruled that **substitute teachers must be paid for their time when trainings are mandatory in order to be called to work**. Individual teachers have brought their cases to BOLI and won. Their district then paid for the training. This is four or five hours of online training that districts require and is easily documented. But BOLI has not informed all districts that they need to be paying their employees for the mandatory training. In HB 4030, temporary reimbursement was granted to substitute teachers and Instructional Assistants. SB-283-3 makes the training payments permanent for substitute teachers.

Thank you for consideration of these concerns of substitute teachers and for allowing us to participate in this Task Force.

Leslie Polson, President

Phyllis Kirkwood, Founding President

Debbie Fery, Government Affairs Committee Chair [dfery@yahoo.com](mailto:dfery@yahoo.com)

OREGON SUBSTITUTE TEACHERS ASSOCIATION