



OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE

BILL BRADBURY

For Immediate Release:
May 25, 2006

Contact: Carla Corbin
Elections Division
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on May 25, 2006, for initiative petition #20, proposing a statutory amendment, for the General Election of November 4, 2008.

In addition, Secretary of State Bill Bradbury determined that the proposed initiative petition was in compliance with the procedural requirements established in the Oregon Constitution for initiative petitions.

The certified ballot title is as follows:

TEACHER "CLASSROOM PERFORMANCE," NOT SENIORITY, DETERMINES PAY RAISES; "MOST QUALIFIED" TEACHERS RETAINED, REGARDLESS OF SENIORITY

RESULT OF "YES" VOTE: "Yes" vote makes teacher pay raises dependent on "classroom performance," without regard to seniority; specific subject training, teaching performance determine retention if lay-offs occur.

RESULT OF "NO" VOTE: "No" vote retains current laws allowing local school boards to pay and retain teachers by qualifications, including teaching competence, experience, educational attainments, licensure and seniority.

SUMMARY: Local public school district boards currently fix salaries, and retention and other contract terms of employment for teachers within their respective districts, subject to state laws regarding collective bargaining, merit, competence, licensure and the Accountability for Schools for the 21st Century Law. Measure eliminates seniority as criterion for pay raises and requires that pay raises for teacher be based solely on that teacher's "classroom performance" (undefined); provides that if a school district reduces teaching staff, the district must retain the "most qualified" teacher, identified by "past classroom experience successfully teaching the specific subject" and academic training in that subject. Measure supersedes any conflicting law or policy, but applies only to teacher contract extensions and new contracts made after the effective date of measure. Other provisions.

Chief Petitioner(s): Bill Sizemore, PO Box 343, Beavercreek, OR 97004.

Copies of the text of this initiative are available at Room 141 State Capitol, for \$.25. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days. Any elector dissatisfied with the ballot title certified by the Attorney General, who also submitted in a timely manner written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court for a different title. The appeal period ends at 5:00 p.m. on June 9, 2006. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2008 general election ballot is determined by the total votes cast for all candidates for governor at the 2006 general election. These signatures shall be filed in this office not later than July 3, 2008.

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DEPARTMENT OF JUSTICE
APPELLATE DIVISION

May 25, 2006

RECEIVED
MAY 25 11:07
OFFICE OF THE SECRETARY
OF THE STATE

John Lindback
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition — Teacher “Classroom Performance,” Not Seniority,
Determines Pay Raises; “Most Qualified” Teachers Retained, Regardless Of Seniority
DOJ File #BT-20-06; Elections Division #20

Dear Mr. Lindback:

We have reviewed the comments submitted in response to the draft ballot title for the above-referenced prospective initiative petition. We provide the enclosed certified ballot title, reflecting changes to the caption, result statements, and summary.

This letter summarizes the comments we received and our response to those comments. Pursuant to ORAP 11.30(7), this letter must be included in the record in the event the Oregon Supreme Court is asked to review this ballot title.

Comments of Bill Sizemore

1. Caption

Mr. Sizemore makes two comments regarding the Attorney General’s draft caption. First, Mr. Sizemore objects to the caption’s use of the word “retention” because, he says, voters are not likely to know what that word means. We have no such qualms about the electorate’s understanding of the word “retention.” However, in response to other comments, the caption has been amended to use the verb “retained,” rather than the noun “retention” and we are confident voters understand what “retained” means in the context of teacher employment. Moreover, we have retained the word “retention” in the “yes” statement because we believe the meaning of that term is well-understood.

Mr. Sizemore also suggests we use the word “relevant” instead of “specific” in referring to a teacher’s subject area experience and training that is factored into the retention decision. We have amended the caption to use the phrase “most qualified” in describing retention criteria, and the concepts of “specific” and “relevant” subject(s) are both captured within the language of the meaning of that term as used in the proposed initiative. This change, we believe, addresses Mr. Sizemore’s concern.

2. “Yes” vote statement.

Mr. Sizemore is concerned that the draft ballot title “does not inform voters that the job retention provision kicks in only when lay-offs occur or teaching staff is reduced.” (May 9, 2006, Sizemore letter, page 1). Mr. Sizemore’s point is well-taken, and the “yes” statement has been revised accordingly.

Comments of Larry Wolf and Chip Terhune

1. Caption.

Messrs. Wolf and Terhune object to the Attorney General’s draft caption because, they say, “the draft omits the central subject of the proposal – to remove years of service as a factor that can be considered when determining pay raises and job security.” To address Messrs. Wolf and Terhune’s concern, we have amended the caption to expressly state that seniority is not to be considered in salary increase decisions. With regard to teacher retention, we read the proposed measure as not *expressly* prohibiting outright the consideration of seniority (as is the case with pay raises), but rather giving retention preference to those teachers who are “most qualified” as that characteristic is described in the measure.

Also in response to comments by Messrs Wolf and Terhune, we have also put the terms “classroom performance” and “most qualified” in quotation marks to indicate that those terms are used in the text of the proposed measure. We do not use precious words to further indicate that the terms are “undefined” or “defined” because that information is available in the ballot title summary.

2. “Yes” vote statement.

We have revised the draft “yes” vote statement to address Messrs. Wolf and Terhune’s point that the proposed measure bars consideration of seniority when awarding teacher pay raises. However, we do not agree that the proposed measure so clearly bars consideration of seniority in retention decisions. Rather, we read the measure to require that the “most qualified” teachers be retained before other, presumably less qualified teachers. Depending on the depth of the staff reductions, some less qualified teachers may be retained, after the “most qualified” teachers have been retained. That distinction between seniority vis-à-vis raises and seniority vis-à-vis retention is reflected in our revised “yes” vote statement.

3. Summary.

We have amended the statement of existing law in the summary slightly, to add the existing statutory concepts of “merit” and “competence,” as suggested by Messrs. Wolf and Terhune.

In response to Messrs. Wolf and Terhune’s comment about the measure’s disregard of seniority in layoff decisions, we believe the existing summary accurately reflects the criteria the

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measure expressly requires be used in making retention decisions in the event of staff reductions. As we noted above in response to the "yes" statement comment, the proposed measure does not necessarily prohibit the consideration of seniority in retention decisions, after the "most qualified" teachers have been identified and retained.

Conclusion

For the reasons stated above, we have changed the caption, the vote result statements, and the summary in response to the comments and our further review of the measure. We certify the attached ballot title pursuant to ORS 150.067(2).

Sincerely,

Laura S. Anderson
Senior Assistant Attorney General

LSA:mlk/APP94119

Enclosure

c: Peter Shepherd, Deputy Attorney General
Don Arnold, General Counsel Division
Steve Wolf, General Counsel Division

Bill Sizemore
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BALLOT TITLE

**TEACHER "CLASSROOM PERFORMANCE," NOT SENIORITY,
DETERMINES PAY RAISES; "MOST QUALIFIED" TEACHERS
RETAINED, REGARDLESS OF SENIORITY**

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