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# **Oregon legislators are poised to mandate teacher union say on class size. Portland's experience suggests it could undermine push for equity**

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Oregon lawmakers could soon approve a mandate for school boards to negotiate class size limits. Portland Public Schools already agreed to class size caps and bonuses for teachers whose classes exceeded the limit. The district had already reduced class sizes at historically underserved schools such as Roosevelt High School, so most bonuses went to teachers at schools in upper-middle-class neighborhoods such as Lincoln High School. This file photo shows an English class at Roosevelt. Motoya Nakamura /The Oregonian LC- The Oregonian

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By [Hillary Borrud | The Oregonian/OregonLive](#)

Oregon teachers unions could be on the cusp of winning a state mandate for school boards to negotiate class size limits.

A bill to institute the requirement is under consideration in the state House after passing the Senate.

Adding class size to the list of issues districts must bargain over with unions would increase teachers' power, in part because it would be another item over which they could strike.

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It also has the potential to undermine some districts' drive to improve equity for low-income students, students of color and others with particularly acute learning needs.

That's because many districts have chosen to create small classes for those students while maintaining larger class sizes at schools that are heavily white and located in upper-middle-class neighborhoods. Reducing the size of a district's largest classes, often found at schools serving relatively privileged students, inevitably draws resources away from higher-needs schools.

[Senate Bill 580](#) is a top priority this legislative session for the Oregon Education Association, which spent heavily to elect and reelect Democratic legislative candidates in 2020 and based its endorsements and political donations in part on whether a candidate pledged to support the class size mandate.

In public hearings, teachers and specialists who work with students described how they are overloaded and could better serve students if districts were forced to hire more educators.

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Replay

School board officials and administrators warned that mandating class size negotiations could force districts to scrap current initiatives that direct extra resources to historically and systemically underserved students to meet one-size-fits-all caps on class sizes.

“Schools with large numbers of English language learners, students in poverty, historically underserved students or students with disabilities and small remote schools or schools with large numbers of students who are at risk need more resources in order to achieve equitable outcomes,” said Oregon Coalition of School Administrators President Iton Udosenata, who is assistant superintendent of Salem-Keizer Public Schools. “Wealthier schools and wealthier students often don’t need these kinds of extra supports that many of their peers may need to be successful in school. School districts should not be put in a position where we’re required to bargain in order to keep making investments where students need them the most.”

Portland Public Schools’ experience with bargained class size limits illustrates one potential outcome when teachers and school board officials negotiate workloads. In 2018, the district’s board agreed to set class size limits in its teachers contract. If a teacher’s workload exceeds those caps, the district must provide them a teacher’s aide or pay them 3% of a starting teacher salary, or about \$1,200 a year, for every student over the limit. Teachers can decline an aide and instead claim the “overage” pay, although they are not allowed to shed a previously assigned aide in order to qualify for the stipend.

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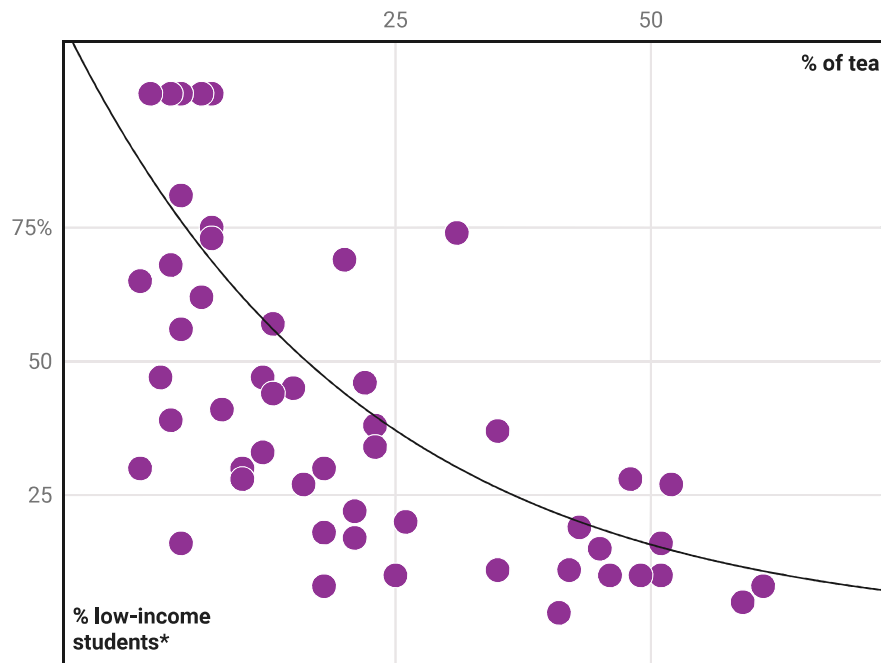
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Since the district had already prioritized smaller class sizes and additional classroom support staff in schools serving lower-income families, teachers who have received the \$4.5 million in “overage” payments for large class sizes over the last three years are overwhelmingly at

schools with upper-middle-income parents, The Oregonian/OregonLive found.

## Many more teachers got extra pay at schools with higher-income parents

Schools in the upper left corner of the scatterplot below have more low-income students and fewer teachers getting extra pay.



\* percent receiving free or reduced-price meals in 2018-19, most recent figures available. In schools with very high percentages of children on food stamps or in other verified poverty programs, 100% of students are eligible for free meals.

\*\* average from 2018-19 to current school year

Chart: Dave Cansler/Staff • Source: Portland Public Schools and Oregon Department of Education

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Critics of the move to mandate teachers union say on class sizes say those payments to teachers with classes even one or two students over the limit are a luxury that districts unlike Portland can't afford. Oregon's largest school district has a rich property tax base and voters

prone to approving taxes for parks, libraries and schools. Those two factors have resulted in a local option property tax that adds approximately 18% to Portland schools' per-student allocation from the state.

Districts without those assets could find themselves with no option but to increase class sizes for special education students, English language learners and high poverty students and Black, Indigenous and Latino students, whom districts have increasingly targeted for smaller classes and more personal attention.

It is also possible, advocates of the bill say, that teachers unions would insist on contract terms that set varied class size limits based on factors such as race, poverty, language and disability, to benefit students with the greatest learning needs, even though the union in Portland did not do so.

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If the bill is green lighted, as expected, Oregon would join four other states in the nation that, according to the National Council on Teacher Quality, have made class size a mandatory topic of bargaining: California, Minnesota, New Jersey and Massachusetts. Separately, dozens of states have adopted across-the-board class size limits, including Texas, where teachers are prohibited from unionizing.

Overall, median class sizes in Oregon middle and high schools have remained steady since 2014 at 25 and 27 respectively and decreased to by one student to 24 in elementary schools in 2015, state figures show. The state has not published statewide median class size [data](#) since mid-2019.

Democrats control both chambers of the Legislature, and since the Senate tends to be more conservative, there is a good chance House Democrats will approve the bill. It passed the Senate primarily with Democratic support. Two Democrats — Sen. Betsy Johnson of Scappoose and Sen. Lee Beyer of Springfield — joined nearly all Republicans to vote no. Republican Sen. Bill Kennemer of Oregon City voted for the bill.

The Oregon Education Association's political action committee spent more than \$382,000 in 2020 to support Democratic legislative candidates, mostly by directly purchasing television and radio ads in the most hard-fought races that were top priorities for House and Senate Democratic caucuses, according to The Oregonian/OregonLive's review of campaign finance data.

The bill to require teachers union say on class sizes would not provide more money to school districts, suggesting tradeoffs on other choices rather than simply making big classes smaller would be in the cards. The Oregon School Boards Association and the Coalition of Oregon School Administrators pointed out that reducing class sizes is an allowable use of \$800 million in state grants expected to be available in 2021-2023 due to the new Student Success Act corporate tax. Districts must tailor their requests for a per-student share of that money based on community feedback, including from staff and students, particularly the neediest students including children experiencing homelessness, poverty and from other underserved populations.

Unlike Portland, other districts in the Portland metro area that address class size in their contracts give school administrators power to relieve teachers from big classes without preventing schools from creating small ones for students in great need. North Clackamas, for instance, has a contract that states the district "shall make every effort to prevent excessive class enrollment" and lays out a process for specialists to request reviews of their caseloads and request a "day of support" when they need extra relief. Parkrose School District similarly pledges to "attempt to equalize workload" and has a process in its contract to allow educators to request workload reviews and appeal the findings.

In an emailed statement, Oregon Education Association President John Larson said educators would use a class size negotiation mandate to focus on the needs of underserved students. He did not address The Oregonian/OregonLive's findings that Portland Public Schools' bargained class limits had no such provision and functioned to direct more resources to wealthier schools.

"There is ample evidence that reducing class sizes and caseloads results in positive outcomes for students, particularly for younger learners and those from historically marginalized backgrounds," Larson said. The bill "is a priority for that reason. Currently, educators are not able to require a conversation that would put underserved students front and center in district priorities; creating this layer of accountability will help ensure educators on the front lines can meaningfully engage with school districts about how to best serve their students."

Sara Starlin, a speech pathologist for Springfield Public Schools, said the district's 15 pathologists collectively serve 700 students. "If our workload was more manageable, students would benefit" from more individualized instruction, might reach their goals sooner and be able to spend more time in general education classrooms, Starlin said. Groups that represent speech pathologists and school psychologists testified in support of Senate Bill 580.



Senate and House Democrats lined up to testify in support of the bill at a March Senate Education committee meeting. They described the experiences of family members who work as educators and their personal experiences including serving on a school board and having children attend Oregon public schools. Senate Majority Rob Wagner, a Lake Oswego Democrat who served on his local school board until last June, suggested during the hearing that current state law “prohibits local educators from even talking about class” and “effectively silences educators in our local communities.”

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Oregon teachers and district officials are in fact permitted to discuss class sizes both during and outside of contract negotiations but not required to negotiate it in bargaining. In a statement emailed to The Oregonian/OregonLive, Wagner — who as majority leader has a central role in preserving and growing his caucus’ numbers in elections — wrote that “the way ‘permissive’ is used in these negotiations means management can put on earmuffs and refuse to talk at all about class sizes during negotiations – both parties must agree to include the topic in a negotiation. As a former school board member, I know that when educators try to raise class sizes as an issue, it is quickly shut down by administrators.”

Last year, the Oregon Education Association asked legislative candidates seeking the support of its political action committee whether they agreed with making class size a mandatory bargaining topic, according to a copy of the PAC questionnaire obtained by The Oregonian/OregonLive.

The statewide teachers union is among the top donors in Oregon politics, along with other public employee unions, the business lobby, wealthy individuals and interest groups. In 2020, Oregon Education Association’s political action committee focused its spending on helping state House and Senate Democrats caucuses hold onto or pick up seats in the most hotly contested legislative races.

On the [north coast](#), the union paid for \$74,472 worth of television and other forms of advertising for Democratic House candidate Debbie Boothe-Schmidt. On the central coast the OEA-PAC spent \$48,396 on campaign ads and polling for Democrat Melissa Cribbins. Both of



them lost. And OEA-PAC contributed more than \$18,000 to state Senate candidate Eileen Kiely of Sunriver, who also suffered a narrow loss.

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The union also spent \$45,000 to help flip a Republican-held seat and elect Rep. Jason Kropf in Bend, again mostly by paying for television and radio ads on his behalf, according to campaign finance records.

Others on the lengthy list of lawmakers who received state teachers union campaign donations in 2020: Rep. Anna Williams of Hood River, Sen. Chris Gorsek of Troutdale, Sen. Deb Patterson of Salem, Rep. Paul Evans of Monmouth, Rep. Brad Witt of Clatskanie, Rep. Dan Rayfield of Corvallis, Rep. Lisa Reynolds of Portland, Rep. Ricki Ruiz of Gresham, Rep. Khanh Pham of Portland, Rep. Wlnsvey Campos of Aloha, Rep. Zach Hudson of Troutdale, Sen. Kate Lieber of Beaverton, Rep. Dacia Grayber of Tigard, Rep. Rachel Prusak of West Linn, Sen. Kathleen Taylor of Portland, Rep. Brian Clem of Salem and former Rep. Diego Hernandez of Portland. Some of them faced contested Democratic primary races, while Williams, Witt and Patterson needed cash to win razor-close general election contests with Republicans. All of them won.

The group also supported decades-long OEA lobbyist Laurie Wimmer, a Democratic primary candidate for a northwest Portland House seat who did not prevail.

Oregon has one of the lowest high school graduation rates in the country and Patterson pointed to lower class sizes in Connecticut, a state without mandatory bargaining for class size, as a reason that state's students graduate at a higher rate than Oregon students. Richard Donovan, a registered lobbyist for the Oregon School Boards Association, countered that much of Oregon's recent progress raising graduation rates has "been built on the backbone of equity, equity based investments and a focus on justice, especially for our systemically traditionally underserved students" that would be jeopardized if districts adopt uniform class caps.

Udosenata, the Salem-Keizer assistant superintendent, offered lawmakers some examples of the targeted investments he oversaw as principal of North Eugene High. “One of the most effective strategies was through academic intervention courses that allowed us to support students who struggled in areas like math or reading,” Udosenata said. “Both classes required additional resources and staffing to help get students back on track and, importantly, experience success and confidence that continued with them in other courses. In order to do this, we had to be able to shift resources within our school and this sometimes meant adding a few students to courses like PE or AP calculus in order to prioritize where there was the most essential need in our schools.”

Udosenata's argument against mandated class size bargaining did not convince many Democratic senators, including Sen. Lew Frederick who represents north Portland and is a member of the Black, Indigenous, and People of Color Caucus. “Education is not an assembly line despite our efforts to make it one,” Frederick said in a floor speech in support of the class size proposal. “For those appropriately concerned about inequities in our education system, let me propose that one of the reasons for those inequities is that many BIPOC students fail to get the attention they require because their class sizes are too large.”

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No Portland school that enrolls a high proportion of Black, Indigenous or Latino students has large average class sizes, however, according to the most recent state data. Classes of around 30 students are the norm at Jackson, Robert Gray and West Sylvan middle schools on Portland's predominantly white west side. But they average below 20 at schools in high poverty, high minority schools in North, Northeast and outer Southeast Portland, state figures show. In metro Portland, the west side Portland middle schools and schools serving high-income areas in Beaverton and Sherwood, among others, would stand to benefit most from class size caps.

*Editor Betsy Hammond contributed to this report.*

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