

Chair Neron, Vice-chair Wright, Vice-chair Hudson and Members of the House Education Committee:

Thank you for holding the informational meetings on SB 283-4, the omnibus Education Workforce bill that includes incentives for substitute teachers to return to work and remain in the teaching profession. Several issues were raised by committee members and agencies which I want to address:

1. **“School districts should have the choice to outsource substitute teachers.”** By outsourcing, school districts have lost their opportunity to choose which substitute teachers will be working with their children; they have also lost the authority to supervise those substitute teachers. The steady stream of different substitute teachers, many with no teacher training, is contributing to the instability of students and challenge of administrators to maintain discipline, as described by the OEA representative. **Should school districts have the choice to turn over the supervision of classroom teaching (a larger percentage of which is now being done by substitutes) to out-of- state private companies? These companies are not connected or transparent to the Oregon Department of Education. This is the policy question at the heart of SB 283 Section 12.**

Were it not for the shortage which began before Covid, we would not be having this conversation at all, and substitute teachers would all still be employed by school districts. Now, because of the continued shortage, we realize that many districts still need help in recruiting enough substitute teachers. A compromise could be reached by allowing **public** third parties, which was the original language in Section 12 (4). For example, CTA was a public entity that grew out of Northwest Regional ESD and called substitute teachers to work for several years. In Section 13, time is given to make the needed changes so that all classroom teaching is supervised by the building administrator, public school teachers are transparent to the public, and long-term and career substitutes throughout the state would be able, once again, to earn PERS (not just those in insourced districts).

2. **Why have 70% of school districts chosen not to outsource?** They value their ability to select the most qualified teachers and to be able to supervise them in the classroom. (That is the responsibility of a school district.) Having the same teachers return to a school and treating them as colleagues contributes to student stability and sense of belonging required for learning to take place and to continue uninterrupted when the regular teacher is absent. Lincoln County School District, thankfully, has decided to bring their substitute teachers back as employees, stating that they realized the importance of having their own substitute teachers. By signing up with the school district, substitute teachers will again have that relationship that PERS requires in SB 283-4 (3), although only 10% (the long-term and career substitutes) are likely to work the 600 hours per year.
3. **How has outsourcing hurt education?** When on the job, an on-call teacher IS the teacher (as stated in many district substitute teacher handbooks and as defined in law) and needs the support of the school principal. An outsourced substitute teacher is not allowed to request help from the principal. That is an awkward situation, especially if students think that substitutes can be fired for their students’ behavior, but the students will not have consequences. The staffing agencies in Michigan or Tennessee, which employ substitute teachers in 60 Oregon districts, do not supply the lesson plans, behavior management guidance, or necessary, immediate support which traditionally has been provided by the schools. Students deserve the right to have their substitute teachers supervised by their school principals and their local school districts. Substitute teachers should be employees of school districts.

Some districts are happy not having to select or supervise substitute teachers (the COSA representative called it a “convenience”). They may still need help in recruiting through public companies. But it is disappointing when administrators do not seem to care about supervising the classroom. The OEA representative testified that “there are no adults in the schools.”). Outsourcing has not only added to the discipline problems, but also resulted in lack of transparency to the public and has promoted inferior classroom teaching; the students and Oregon education are the losers. Repealing private third parties in Section 12 (4) is the right thing to do-- to put school districts and building administrators back in charge of all classroom teachers.

4. **Why does Section 12 address only substitute teachers?** They are the only classroom teachers who are currently not school employees in some school districts. Other employee groups in SB-283-4 have testified that in their interactions with students, they are “teaching.” This is nice, but they are not tasked in their job description, as substitute teachers are, with being in charge of teaching school subjects in the classroom. For a job description of a substitute teacher, please refer to the attached document, “Comparison of Duties.”
5. **What is the relationship of substitute teachers to administrators?** Available and prepared substitute teachers are the natural allies of school administrators who are trying to maintain the level of education in the absence of regular teachers. The closer the relationship of teachers (including substitutes) to administrators working toward common goals, the better are the outcomes for students. Oregon’s at-will policy makes it easy for administrators to get rid of substitute teachers they don’t like. (Here is their rightful choice.) Likewise, substitute teachers will stick with administrators and schools who welcome and support them. Section 12 restores the relationship of administrators and substitute teachers that was lost due to outsourcing.
6. **How are substitute teachers represented?** Eugene, Portland, and Beaverton have bargaining groups for substitute teachers. The rest have their terms of employment defined in ORS 342.610, which has been modified over the years through the efforts of our organization and supportive legislators. We agreed to negotiate only at the Legislature. For us, the current deliberations are in effect contract negotiations for which we hope the best long-term solutions can be found for substitute teachers, school districts, and quality education. We believe there are enough legislators who care, and enough evidence has been gathered. Substitute teachers have been heard, through the Education Workforce Taskforce of which we were a part. But will substitute teachers again be dismissed and ignored? **This is a rare opportunity to correct an injustice for substitute teachers and also to improve Oregon education, with little fiscal impact.**
7. **It was said that the anticipated funding for SB-283 was not going to be available.** However, the districts already have the money to implement Section 12 (4). Education is the primary mission of schools, and school districts must have the will and ability to choose and supervise their teachers. **This is a policy change rather than a fiscal appropriation.** Choosing quality substitute teachers does not cost more. The state rate is the same for all substitute teachers. Our research shows that insourcing substitute teachers is less expensive, again as shown in #8.

Outsourcing also affects schools and teachers in another way: school districts must pay the outsourcers **in advance** for an estimated number of substitute teachers. If the money runs out, the districts may ask regular teachers to fill in, which is a violation of their contracts and represents a misunderstanding of the planning time needed by teachers, debasing them to support personnel. So often, if not specifically required by law, school districts will try to use money appropriated for substitute teachers for some other purpose. This, sadly, was the case with training grants allotted to substitute teachers in HB 4030.

8. **Data from outsourced districts.** Districts themselves have provided information that **outsourcing has been more costly**, even if we add in PERS and \$1000/mo health benefit for the 10% to 15% of long-term and career substitutes who work the 600 hours. (Please refer to calculations compiled from the districts by Debbie Fery, OSTA GAC Chair). The 50% estimated by the COSA representative for substitute teachers working the 600 hours is not believable for any district. Surprisingly, the average substitute teacher works only 15 days per year. Ms. Fery has taken care to note the cost when a district only partially funds a substitute teacher’s retirement, because the teacher can earn PERS by working in several smaller districts. Restoring these long-term and career substitutes as employees able to earn PERS is the right thing to do, and is the purpose of SB 283 to support substitutes in rural areas. Ms. Fery has presented her compiled data to the Legislative Fiscal Policy Analysts. We await data from COSA and OSBA.
9. **Salary is not the issue.** As other employee groups in SB 283 have said, salary is not the issue. We did not ask for a salary increase in SB 283 or health insurance. Our primary concern is the outsourcing by private companies, and I believe a possible compromise can be reached by returning to the original language—that school districts may not contract to **non-public** agencies. School districts have indicated that they would still need agency help. The current language does not allow agencies at all, so an amendment would be needed to allow **public** third parties.

10. **Is this a new PERS group?** No, substitute teachers who qualified were already PERS members before being outsourced through no choice of their own. Surely there will be a way to restore PERS for these professional teachers who are qualified to do long-term teaching, so that they don't flee to districts which are not outsourced, retire immediately, or quit the teaching profession (half of the substitute pool is now gone). That's why substitute teachers are included in this workforce bill. It is only right that **all** substitute teachers have the opportunity to earn PERS. (No retroactivity is included for outsourced substitute teachers who continued to work the 600 hours during the intervening eight years since outsourcing began in 2015.)
11. **"How many members does OSTA have?"** Approximately 300, which has remained fairly consistent over the 48 years of its existence. Membership is down, because although ORS 192 502 (3)c allows us to receive substitute teacher contact information from public school districts (substitute teachers do not have workplace addresses), we cannot get it from the private companies. Likewise, ODE, TSPC, PERS, and other state agencies cannot access information about or oversee substitute teachers employed by private companies.
12. **OSTA is an organization of professionally trained and licensed teachers** who are working as substitute teachers. A recent survey of the members indicates that 37% hold preliminary licenses, 37% professional licenses, 18% substitute teaching licenses, 4% Teacher Leaders, and 4% Restricted Substitute Licenses. We probably don't represent all substitute teachers, but it is safe to say we represent those most likely to qualify for PERS. As professional educators, we are tireless advocates for quality education. We provide speakers on best practices at conferences. Members can go on Zoom every Thursday afternoon to receive mentoring from veteran substitute teachers. The work that OSTA does is for the benefit of all substitute teachers—not just the members. The Substitute Teacher Minimum Salary law (ORS 342.610) has been in place since 1977, and is an example of a statewide salary schedule. At that time we were given a choice of negotiating at the Legislature OR the bargaining table. Substitute teachers who bargain collectively (Eugene, Portland, and Beaverton) are excluded from this law in ORS 342.610 Section 6.
13. **SB 283-4 Sections 1-2** The proposed state-wide data base should include substitute teachers. It needs to include not only license type for certified teachers, **but also their job title**. For example, TSPC licenses teachers, but does not know how many who hold professional teaching licenses are substitute teaching. It does not make sense that substitute teachers are licensed in Oregon, but then are not included in the family of school employees. Abolishing private third parties in SB 283-4 Section 12 (4) would make this information available for the data base.
14. I listened to the hearing on **SB-767** to stop out-of-state of state companies from luring students (and student dollars) away from non-sponsoring public schools. Outsourcing of substitute teachers is ruining public education just as surely, when education is turned over to out-of- state companies that are not transparent to the Oregon Department of Education. SB 283-4 (Sections 12 and 13) is a crucial step toward getting Oregon back to having schools where the best teachers want to work.

Thank you for your thoughtful consideration of SB 283-4 and for your support of substitute teachers.

Respectfully submitted,
Phyllis Kirkwood, Founding President phykirk55@gmail.com
Oregon Substitute Teachers Association