

# Student performance may decide teachers' pay

■ Measure 95 would require schools to gauge learning — but it doesn't say how

Lindsay Buchele  
For the Emerald

Ballot Measure 95 is making teachers across Oregon sweat.

The measure, designed to base teachers' salaries on the performance of their students, will potentially threaten job security and create competition between teachers, Oregon Parent Teacher Association President Kathryn Firestone said.

Supported by Bill Sizemore of Oregon Taxpayers United, Measure 95 will require student learning, not seniority, to determine teacher pay.

Oregon currently has the "Fair

Dismissal Law," a law designed to protect teachers from being unfairly fired. Seniority plays no part in a teacher's employability, Ted Heid, head of the human resource department for Eugene's 4J School District, said.

Oregon Taxpayers United argues that seniority does exist and is keeping unqualified teachers employed. They suggest that teachers' unions are working to keep teachers employed through seniority so the unions have more power.

"From the moment teachers' unions have been in existence they have been focused on keeping teachers employed because of seniority," chief petitioner for Measure 95 and Oregon Taxpayers United employee Becky Miller said. "Since then, student learning has

gone down."

It is assumed that student performance will be tested through standardized tests given at the beginning and the end of the school year, Firestone said. Those opposing the measure, such as Firestone, feel the testing will be inaccurate.

"Standardized testing is not a reasonable evaluation," Firestone said. "To most kids, tests mean nothing."

The measure does not specify how student learning will be determined. In fact, such details have been purposely left out of the measure so that each school district can determine its own form of measurement, Miller said.

Firestone feels the likely means for evaluation will be standardized tests, however, and all students, re-

gardless of level, will suffer.

"I've had a number of parents come to me and tell me their kids just don't test well," Firestone said. "Also, for those kids in special education classes, a good day is when they don't lash out at a fellow classmate. No test can show progress like this."

Miller argued the measure defines job performance as the degree to which the appropriate knowledge is learned.

"Students will be measured on what they are expected to learn," Miller said. "Children in special education classes will not be expected to meet the same criteria that, say, a child from another school is expected to learn."

Oregon Taxpayers United also argues schools will end up with the

best teachers thanks to the results of the student evaluations.

Firestone disagrees, saying if teachers are fired because of their students' performances, they will start to compete with other teachers for high-level classes.

"Teachers will only want to teach the AP [Advanced Placement] and honors level classes so that their students do well," Firestone said.

Miller feels that rather than competing for jobs, teachers will be more likely to request better materials and resources to help students learn better.

Both organizations feel parents should play an active part in the process, whether or not the measure is passed.

## Measure tells Legislature 'hands off'

■ Measure 96 would stop state lawmakers from making the initiative process more difficult

By Clayton Cone  
For the Emerald

Becky Miller, treasurer of Oregon Taxpayers United, the sponsor of Ballot Measure 96, said her organization aims to bring parity to the way the initiative process is amended, but opponents of Measure 96 worry that it would unnecessarily bind the Oregon Legislature.

"It's our process, not [the legislators']. It shouldn't be so easy for them to propose change," Miller said.

If Measure 96 passes, the Legislature would be barred from making it harder for initiatives to reach the ballot. Such constraints could include increasing the number of signatures required to place an initiative on the ballot or imposing geographical restrictions on signatures. In addition, the Legislature could refer no constitutional amendment to the voters that limits change of the Oregon Constitution by initiative.

Supporters say the measure would even the playing field, but opponents warn it would make legal fine tuning of the initiative process extremely difficult.

As the law now stands, the Legislature may conduct hearings and draft bills on the initiative process and refer them to the electorate for a vote. But this option would be eliminated if Ballot Measure 96 passes.

Former Oregon governor and former secretary of state Barbara Roberts said Ballot Measure 96 would overly restrict change of the initiative petition process.

"I believe it ought to be like any

**Legislators are constantly attacking the [initiative] process because it threatens their power, and we need a strong constitutional protection for that.**

Becky Miller  
Oregon Taxpayers United

other legal process, subject to some occasional examination," she said. The proposed changes would make routine fine-tuning too costly and time-consuming, she said.

Politicians do take part in the ini-

tiative process, as Gov. John Kitzhaber did to get Measure 1 on the Nov. 7 ballot. Total costs to do so amounted to approximately \$250,000, said Becca Uherbelau, who is managing the Measure 1 campaign on behalf of the governor. A majority of those costs — \$180,000 — went toward paying for signature gathering at a rate of \$1.55 per signature, she said.

Legislators are able to put proposals for change in the initiative process before voters "with the stroke of a pen," Miller said, yet her organization must put out "a year's worth of work and a couple hundred thousand dollars and gather 130,000 signatures" to do the same.

If Measure 96 passes and legislators later wish to make it harder to get an initiative on the ballot, they would need to start an initiative petition themselves and gather the necessary signatures.

"Legislators are constantly attacking the [initiative] process because it threatens their power, and we need a strong constitutional protection for that," Miller said.

The initiative process perks up government, she said.

"We have a much more exciting and involved system of government in Oregon than in many parts of the country because of the initiative process," she said.

## Body-grip traps targeted

■ Measure 97 aims to ensure the use of methods other than traps to control predatory animals

By Andrew Adams  
Oregon Daily Emerald

Measure 97 would prohibit the use of steel-jaw leghold traps and other traps commonly used to capture mammals. It would also make the sale, purchase and exchange of raw fur obtained through the use of such traps illegal and the use of poisons sodium fluoroacetate and sodium cyanide illegal.

The measure would, however, allow for special use permits from the state department of fish and wildlife for padded jaw traps and non-strangling foot snares for dealing with pests, if a landowner could successfully prove that he or she had tried alternatives methods of pest control.

Supporters of the measure, however, have a hard time acknowledging there is any use for traps.

Kelly Peterson, campaign manager for the measure, said that many animals suffer for days after being caught in traps before dying from starvation or escaping after chewing off their own limbs.

She said farmers and ranchers should look to alternative methods, such as electric fencing and territorial animals, including dogs and llamas, to keep predators at bay.

"Sometimes there are legitimate reasons for traps, but we're trying to make it a last resort rather than a first response," she said.

Andy Anderson, executive vice president of the Oregon Farm Bureau, a farmers' advocacy group that is opposed to Measure 97, said the main reason his group opposes the measure is that it would hinder state farmers' ability to protect crops from damaging pests that kill livestock, eat crops or tunnel beneath crop fields and into irrigation ditches. He also found fault with what he said was the measure's vague wording that prohibited all "body gripping" devices, which he said could be used by animal activists to outlaw many essential tools of the livestock industry like squeeze chutes, head gates and even lariats.

"While the proponents are saying it isn't their intent," he said, "our lawyers tell us they think they could make it stick."

Anderson said agriculture is a tough business to make money in, and Measure 97 would only make it tougher because it would put in place a bureaucratic rigmarole that would make it hard for farmers to deal with pests.

He also said that while the department can't make an official stand, he has heard from Department of Fish and Wildlife workers that Measure 97 would limit the department's ability to manage state lands.

## Restricting fund raising

■ Measure 98 may put student political activities on the University campus at risk

By Anna Seeley  
For the Emerald

The goal of Measure 98 is to prohibit the use of public resources to collect or help collect political funds.

Opponents say the measure is vaguely worded and would affect more than just a public employee's paycheck: It would affect the activities and voices of the University student body as well.

If passed, Measure 98 would prohibit the use of public resources for political purposes. Public resources include public monies, public employee time, public buildings and public equipment and supplies. Because the buildings on campus are public, they could potentially no longer be used for political purposes.

Sean Smith, campaign spokesman for the committee against Measure 98, said the University would be at a loss if the measure is passed. He said it would affect many student groups, including the LGBTA and Students for Choice, by not allowing them to

use any of the University's buildings to hold meetings or plan activities.

"Any [group or activity] deemed political would be illegal on campus," Smith said. "You couldn't even send an e-mail to your representative using campus e-mail. Students would be negatively impacted by this measure."

But Becky Miller, executive assistant for Oregon Taxpayers United, said Measure 98 was written to stop certain groups from raising political funds on taxpayers' dollars and would not affect the University at all.

"Public workers are having money taken from them without their consent," Miller said. "Unless the group is using the facility to raise money, it wouldn't affect them, and that is even a stretch of the law."

Melissa Unger, legislative organizer for the ASUO, said how the University is impacted would depend on how the measure plays out in the courts. She was not able to give her opinion on the measure, but did say it could significantly affect students.

"The scope of it is unclear," Unger said, "but it would limit the student voice drastically."

## Measure 86 would up the stakes of kicker law to the constitution

■ If passed, Measure 86 would give constitutional protection to Oregon's tax refunds

By Jeff DeMoss  
For the Emerald

If Ballot Measure 86 passes, Oregon taxpayers will be more likely to receive tax refunds from the state's "kicker" law.

Under the current "kicker" law, any state revenue that exceeds state estimates by more than 2 percent at the end of each two-year period must be returned to businesses and individual income taxpayers. However, the state Legislature can withhold the extra funds for state programs and budget balancing with a three-fifths majority vote.

This year, the Legislative Revenue Office estimates the kicker to constitute \$282 million for personal taxpayers and \$34 million for corporations.

Measure 86 would elevate the kicker law from a statute to a constitutional amendment, meaning that a vote of the people would be required to repeal it rather than just a majority vote in the legislature.

It would also make it more difficult for the government to withhold the kicker for state programs like education, requiring a two-thirds vote in the Legislature instead of three-fifths.

The kicker has been returned in full to taxpayers every year since 1993, but has been partially used to fund state programs in the past. Some officials, including David Piercy, deputy superintendent for the Eugene 4J School District, are concerned the passage of Measure 86 would make it harder to obtain kicker funds for education.

"The impact of Measure 86 on education is not as direct as that of some of the other measures because it does not specifically decrease education funding," Piercy said. "But

it reduces the flexibility of the legislature in appropriating kicker money for state programs."

Bob Bruce, spokesman for the Oregon University System, also questions giving the kicker constitutional protection.

"The kicker is normally not likely to go towards education anyway, but Measure 86 makes that possibility even more remote," Bruce said. "Oregon schools may need that extra boost in the future."

But others say Measure 86 will help ensure government accountability and secure money that should belong to taxpayers and companies in the first place. Brian J. Boquist, director of the North Indian Creek Ranch, ICI Cattle & Timber Co., says the measure is a sensible way to hold spending by elected officials in check.

"The people of Oregon have supported the kicker because it returns money to them that is rightfully theirs," Boquist said, "and I believe they will continue to do so."