

Senate Joint Memorial 12

Sponsored by Senator AVAKIAN; Representative KOMP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to amend No Child Left Behind Act of 2001 to provide for waiver and adequate federal funding.

JOINT MEMORIAL

1 To the Senate and the House of Representatives of the United States of America, in Congress as-
2 sembled:
3

4 We, your memorialists, the Seventy-fourth Legislative Assembly of the State of Oregon, in leg-
5 islative session assembled, respectfully represent as follows:

6 Whereas Oregon is a national leader in student achievement through its high academic stan-
7 dards and its successful record of school accountability; and

8 Whereas Congress enacted and the President signed into law the No Child Left Behind Act of
9 2001 (NCLB), which has as its announced purposes the establishment of high academic standards in
10 reading, math and science and the implementation of test-based accountability for achievement of
11 those standards at schools that do not have accountability; and

12 Whereas although NCLB has laudable purposes and may impose standards and accountability
13 in states that have failed to hold schools accountable for student achievement, the federal law is
14 misplaced in its application to Oregon; and

15 Whereas despite Oregon's demonstrated significant success in raising student achievement
16 through standards and accountability, there is no provision in NCLB to grant waivers from the
17 mandates of NCLB to states such as Oregon; and

18 Whereas a stated goal of NCLB is to provide flexibility for states to improve academic
19 achievement; and

20 Whereas NCLB contains expensive mandates that Congress has not sufficiently funded and the
21 law's voluminous computerized record-keeping requirements will cost Oregon literally millions of
22 dollars that the state does not have, yet is obligated to spend in order to meet the requirements;
23 and

24 Whereas even though Oregon has high student achievement and accountability standards, NCLB
25 will require Oregon to make several significant changes in education policy that could threaten to
26 undermine the success of Oregon's education system; and

27 Whereas it is clear that NCLB represents the most sweeping federal intrusion into state and
28 local control of education in the history of the United States and egregiously violates the time-
29 honored American principles of balanced federalism and respect for state and local prerogatives,
30 especially in the crucial area of education; and

31 Whereas NCLB may violate the Tenth Amendment to the United States Constitution, which re-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 stricts the power of the federal government to those powers delegated by the United States Consti-
2 tution and reserves powers not delegated to the federal government, such as education, to the states
3 and the people; and

4 Whereas although the successful welfare model allowed waivers from the federal law to states
5 that met basic principles of the welfare reform law to encourage state innovation and flexibility in
6 meeting the federal law's broad goals, NCLB does not allow waivers; now, therefore,

7 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

8 (1) The Congress of the United States is respectfully requested to immediately amend the No
9 Child Left Behind Act to include a mechanism for a waiver from its provisions for school account-
10 ability that shall automatically be granted to states such as Oregon that have high student
11 achievement and to exempt states from any of its provisions that are not adequately federally
12 funded, without such exemption relating to a loss of any federal funds currently granted to the state
13 in question.

14 (2) A copy of this memorial shall be sent to the Senate Majority Leader and the Secretary of
15 the United States Senate, the Speaker and the Clerk of the United States House of Representatives
16 and each member of the Oregon Congressional Delegation.

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