



Date: February 5, 2014
To: House Education Committee, Chair Gelser and Members
From: Laurie Wimmer, OEA Government Relations
RE: *HB 4150 [Clarifies proficiency education legislation from 2011]*

Our thanks go out to the House Education Committee for its time in hearing from our members last November and today about an issue that inadvertently arose in the implementation of HB 2220 from 2011. Many policymakers have worked hard to help us bring this clarification of the original bill's intent and to provide a collaborative process for educators to shape solutions at the school district level. We thank this **bipartisan group** for their support, as well.

In November and today, our members have shared stories of the hardships created "on the ground" when a perfect storm of Common Core, Smarter Balanced test piloting, new data system implementation, and this bill all were introduced at once. Our solution, which reiterates the voluntary nature of proficiency education as a pedagogic model, embraces the principle of **local control**.

HB 4150 also makes it clear that **student behavior** is to be defined locally and may be included in grading systems of school districts. The bill ensures that once per year, a "communication" of some sort must still be issued to parents and students that shares how a student is doing in terms of progress toward meeting standards, but it does not require the exhaustive data management that some districts believed HB 2220 required. Finally, HB 4150 allows our teachers to collaborate with their administrators to implement and perfect proficiency education and grading systems, should their district decide to use it. **No district that is already pursuing this method will be required to roll back the efforts they've invested in such a system.** They will only be required to collaborate with their educators in problem solving as issues arise.

Attached to this testimony is a one-page document that describes the problem and solution in more detail.

Once again, we thank the committee for its work on this legislation and are grateful for your support for this fix.



HB 4150

The Problem

- **HB 2220's intent has been misinterpreted.**

HB 2220, passed in 2011, is a bill that intended to provide students and families a more accurate picture of a student's progress in meeting Oregon's academic content standards. That purpose was reinterpreted in ways that have caused confusion and problems.

- **There appear to be three elements of confusion:**

1. Whether the annual performance report should reflect progress in both content knowledge and behaviors or progress toward attaining content knowledge only;
2. Whether the legislation is intended to change a school district's grading system, or just add another report on top of that system (basically, a confusion over the words "report" and "grades");
3. Whether HB 2220 mandates proficiency education in all school districts.

- **These misunderstandings have led to significant problems that burden districts, teachers, and students:**

- ✓ Data system capacity issues:

The implementation of HB 2220 occurred just as a widely used data tracking software, ESIS, was discontinued. School districts serving fully two-thirds of Oregon's public school students migrated to a new system, Synergy. This system, like others around the state, was not designed for reporting a student's progress in meeting standards as prescribed in HB 2220.

- ✓ Implementation problems:

Our members from across the state have reported issues ranging from insufficient time, lack of training, too many data points per student (some teachers are being asked to track 3,000 different data points), and lack of teacher participation in creating a workable reporting system – problems that have seriously undermined the system. Educator engagement and sufficient planning and implementation time have been critically missing links.

- ✓ Problematic Language:

The bill as enacted mandates that districts annually report progress toward standards "**at the student's current grade level**" [Section 1 (5)(a)(A)]. In some middle schools and all high schools, students may enroll in coursework that is content-based, not grade-level-based, and this requirement does not align with that fact. One student may, for instance, take a chemistry class as a freshman, and another classmate may take it in her junior year. Proficiency in chemistry is not a grade-level matter.

The Solution

To be clear, OEA supports Oregon's focus on a standards-based teaching and learning system. Our members' concerns should be seen in the context of that support. In order to move forward in a way that is helpful to Oregon's students, however, several critical conditions for developing, strengthening and sustaining that system must be in place. Further, clarity on the intent and extent of the bill needs to be sharpened, to give better direction to districts and educators as we move forward.

HB 4150, a bipartisan and bicameral bill to remedy these issues, includes the following elements:

- Clarifies the difference between all students' "mastery" of knowledge and skills and proficiency education students' "proficiency" acquisition.
- Defines "proficiency education" (consistent with the Oregon Department of Education's definition) and "proficiency grading".
- Clarifies HB 2220's original intent -- that proficiency education is an OPTION for districts, not a MANDATE.
- Ensures that once a year, parents and students are given some sort of communication to indicate a student's progress toward meeting the standards.
- Clarifies that "student behaviors", defined by the school district, may be included in this progress communication.
- The communication need not be a formal report but should clearly show whether the student is on track with respect to grade level or course content standards.
- Establishes an advisory committee, composed of educators, administrators, and other education personnel of the district, to collaborate on implementation issues when districts either have or wish to implement either a proficiency education or a proficiency grading system. The district may create a new committee or use an existing one for this purpose.
- Clarifies that districts with such programs in place are allowed to proceed with those chosen systems, but must include the advisory committee to troubleshoot issues as they arise.
- The bill takes effect upon passage.

There are eight sponsors from the House and Senate on this bill -- four Ds and four Rs. Chief sponsor Peter Buckley was the initiator of HB 2220 and fully supports this clarification legislation. We have also collaborated with the Oregon Department of Education and education stakeholders on the substance of the bill.