



From the Desk of  
Senator Rod Monroe

## Oregon risks losing \$140 million for enabling kids to skip Common Core tests, feds warn

Alice Ott Middle School Smarter Balanced

Sixth-grader Porter Stewart works on a district writing assessment during class. Alice Ott Middle School was among the first in Oregon to administer Smarter Balanced tests in March. The school prepared in multiple ways, including by offering practice tests. *(Laura Frazier / The Oregonian)*

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Oregon schools stand to lose \$140 million a year or more in federal funding if state lawmakers vote to enable parents to opt out of standardized testing more easily, **a top U.S. education official** is warning.

Legislation headed for Oregon Senate approval as soon as Wednesday could trigger serious sanctions that include the loss of federal funding, Assistant U.S. Secretary of Education Deborah Delisle said in **a May 27 email and letter** to Oregon schools chief Rob Saxton.

The House overwhelmingly approved **House Bill 2655** in April. Backers want schools to inform Oregon parents twice a year of their rights to exempt children from state reading and math tests for any reason. Supporters also want schools where a lot of students go untested to be protected from the normal consequence of having the school's performance rating downgraded a notch or two.

But Obama administration officials say testing all students **promotes civil rights**. Schools need to give an honest accounting of how well they prepare students of all backgrounds to meet state academic benchmarks, they argue, and incomplete testing blurs those determinations.

Saxton believes the risk of losing federal dollars is real, according to spokeswoman Meg Koch.

**Gov. Kate Brown**, through a spokesman, declined to reveal her position on the bill.

Beginning in 2002, **the federal No Child Behind law** required schools to test at least 95 percent of students in every group, including low-income, minority and special education students. The law also required states to report the results.

In Oregon, the testing requirement **spurred schools to pay more attention to special education students and those learning English as a second language**. Most schools had not expected those students to perform at grade level, and most schools worked harder to get them there after they were called out for poor results with those learners.

To receive federal education dollars, the Oregon Department of Education had to test every student in grades three through eight, plus grade 11, in reading and math every year. The state also had to create and follow a plan to **downgrade performance ratings of schools if they didn't test at least 95 percent of students in every demographic category.**

**Rep. Lew Frederick, D-Portland,** has led the effort to make opting students out of tests easier for parents and less onerous for schools.

Oregon this year switched to a **new set of tests known as Smarter Balanced**, which about 15 states used this school year. Frederick thinks the Smarter Balanced tests are suspect. He wants all parents to be sent more information about them and guaranteed the right to exempt their children. If the HB 2655 passes, parents would not have to cite any basis for opting out of tests, ending the requirement that parents cite a religious justification.

Frederick said he thinks the Obama administration is just blowing smoke about withholding federal funds from states that permit students to skip tests and fail to penalize schools that don't test enough students.

"Sanctioning a state for making reasonable public school policy would not be good for the long-term credibility of the federal role" in education, he said.

The Smarter Balanced tests have been studied and approved by a **larger, more highly qualified panel of testing experts** than the ones that approved Oregon's previous state reading and math test.

But Smarter Balanced has proved to be **much more controversial with parents and teachers**, in part because **the tests are much more demanding.** Oregon's previous tests, known as Oregon Assessment of Knowledge and Skills, or OAKS, were exclusively multiple-choice and computer-scored. Smarter Balanced tests require students to read more demanding passages, synthesize the findings, make arguments and cite evidence to support them. In math, students are expected to show advanced skills at younger ages.

HB 2655, which would take effect in 2016 and run for six years, would require schools to notify parents at the outset of the school year of any standardized testing their child will face. Then 30 days before the tests, parents would be sent another round of information and told how to opt their child out if they wish.

Under the bill, the state would generate two performance ratings for schools with high opt-outs: One low rating generated under the current rules, and a second, higher rating calculated without the penalties for testing too few students.

Delisle, the assistant U.S. secretary, **characterized the bill as "proactively encouraging parents to opt students out of assessments** and failing to hold districts and schools accountable," thus raising the likelihood the state would be penalized.

Frederick disputes that, saying parents would get accurate information, not encouragement. "Why is it so important that families be discouraged or prevented from excusing their children from these tests?" he said. "I believe that the parents know what they're doing."

Penalties for Oregon could range from being told in writing to stop breaking the rules to losing all \$325 million in yearly federal school funding, Delisle wrote. But she said most in jeopardy are the state's \$140 million a year in Title I money, the component of federal funding most directly attached to the No Child Left Behind rules.

The federal requirement to test at least 95 percent of students in every group resulted primarily from the belief, supported by anecdotes, that some schools discouraged special education students, limited English students and other test-takers that they expected would score low from taking part in state tests.

In Oregon, record-high numbers of students have been opted out of state testing this year. State officials say 5 percent of students who were supposed to take the tests sat out. But most of them are non-disabled white students with well-educated parents, a group that tends to perform relatively well on standardized tests.

**Portland's Lincoln High School**, for example, has the lowest poverty rates and highest test scores of the district's high schools. But **40 percent of Lincoln's juniors opted out** of Smarter Balanced tests. **Roosevelt High**, with largest share of poor and minority students of any metro-area high school, had **zero students opt out**.

**Rep. Sherrie Sprenger, R-Scio**, voted for the bill but said she did so with serious reservations about decreasing school accountability for results. She said she hopes no school ever sends a subtle or not-subtle message to a student expected to score poorly on the exams that he or she is a particularly apt candidate to opt out.

Sprenger said her desire to honor parent choice outweighed concerns about accountability.

**Only four Democrats and six Republicans** out of 60 House members voted against the opt-out legislation. Three were absent. No lawmaker raised the issue of federal funding during the long floor debate, and no mention was made of that issue when the bill moved passed unanimously through the Senate Rules committee.

Toya Fick, head of Stand For Children Oregon, strongly opposes the bill and believes the risk of losing federal funding is real.

"The legislature is playing chicken with hundreds of millions in federal funding," she said. "Further, the bill ensures our kids become invisible by sabotaging the results of our statewide assessment, making it much

more difficult to identify gaps in our public school system. The bill adversely affects our neediest children, who benefit most from federal funds and work to eliminate gaps."

Koch, Oregon Department of Education spokeswoman, said, "We see the opt-out bill the same way the U.S. Department of Education does. Oregon may fall below 95 percent participation rates this year, and with this bill in effect, the percentage of opts-out will grow in each ensuing year. ...We believe we are likely to see enforcement actions when that happens."

-- Betsy Hammond

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