



Date: June 29, 2017

To: The Joint Education Subcommittee of Ways and Means, Co-chairs Monroe and Smith Warner, and Members

From: Laurie Wimmer, OEA Government Relations

RE: *HB 2246A with A3 Amendment [Measure 98 Fix]*

On behalf of OEA's 44,000 members, it is my honor to share our reflections about measure 98 and how we seek to improve it for the benefit of all Oregon students. Please see the dash A3 amendment to HB 2246 A, which we are asking this subcommittee to amend into the bill. It is this proposed revision that I will reference in my testimony.

Our members are glad that **Oregonians showed their support for public education in Oregon**, including the importance of focusing on a well-rounded education – including the values of retention, acceleration where appropriate, and career technical education. We all want a system of public education that serves the diverse needs of our students. We have heard some argue that our concerns about the measure as written signals that we don't share these values. I would like to be crystal clear that this is NOT the case. In fact, **HB 2246A**, though it attempts to remedy a small portion of the Act's inflexibility, **still leaves 91 percent of all public high school students in high schools deprived of needed flexibility to make this grant program work.**

We have also heard that the measure should not be improved because it would "betray" the will of the voters. This charge is also something that we would ask you to question. Because it is statutory measure that **cannot** bind this or any other legislative body, and because we all know that voters do not generally weigh in on the technical details so much as general concepts, we believe that you have the opportunity and indeed the responsibility to improve it so that it meshes well with our system, our funding structure, and student needs. Legislators have, in the past, improved many measures passed by the voters, on tax changes, marijuana legalization, and other subjects; in these cases, voters have not felt slighted when you have simply done your job. We believe that fixing what is wrong with the mechanics of Measure 98 is no different. **Rep. Greg Smith's A3 amendment, based on Sen. Lew Frederick's SB 353, offers you the opportunity to make this program the best it can be.** Here are the key issues addressed by these improvements to the underlying bill before you:

1. FUNDING

Obligating future legislatures to come up with money for specific line-items without creating a funding stream to pay for it is problematic on two levels: first, it boxes in the legislature to deploy funds for a limited use. Second, without creating a funding source, it effectively pits educational programs against each other. M98 is now a part of the ODE grant-in-aid budget, which uses its scarce resources to support programs for some of our most vulnerable students – **early intervention and early childhood special education services, Oregon pre-K, youth development programs, and the blind and visually impaired student fund are just some of the programs that will now be forced to compete with M98 in a time of severe budgetary shortfall.** Safeguards written into the measure did not contemplate structural deficits, and this is, as the co-chairs of Ways and Means have observed, a problem. Further, its recession-related fail-safe extends no farther than two biennia, leaving future legislatures without even a minimal "out". Who's to say that in 2043 the most pressing educational budget line-item will be dual credit, for instance? For this reason, **the A3s leave the level of funding in any biennium up to the Ways and Means process.**

2. DUPLICATION

A concern related to funding, especially in these resource-scarce times, is one of efficiency. Measure 98 as envisioned duplicates efforts that are already made in our schools. Efforts to address dropout rates, chronic absenteeism, and CTE through the Chief Education Office and the ODE, as well as the implementation work related to the passage of the "Every Student Succeeds Act" (ESSA), which emphasizes well-rounded education opportunity and CTE, are examples of initiatives being funded already that are aimed at the same outcomes. The M98 program should be tailored **to supplement, not supplant**, these efforts, but only if the funding is significantly improved so that the State School Fund and other existing educational grants are funded first. (Voters will surely be confused if teachers are laid off throughout the school districts of Oregon while M98 staffs up its specialized programs. We could have 55 students in English classes, the loss of the band and art teachers, and the hiring of a CTE teacher all in the same building. Students need all these programs to thrive in our schools.) **Districts should be able to decide to add to existing programs, start up new ones, or redirect monies to other grant-approved uses without micromanagement or one-size-fits-all thinking.**

3. FLEXIBILITY

Because **the bill still imposes a mandate on most school districts to spend grant monies in all three, or in some cases, two areas of focus**, they will not be able to double down on a single particularly glaring need, but must dilute the power of this grant by spreading it thin. In a rulemaking advisory group meeting a few months ago, even the measure's author admitted that this was problematic, but he argued that a district could spend \$1 out of a hundred on part a, \$1 on part b, and \$98 on part c. If the sponsors are neutral about proportionality of grant use, they should also accept a distribution of 0\$ on part a, 0\$ on part b, and \$100 on part c.

Better yet, both the funding and flexibility problems could be solved if the measure were tweaked to follow the successful lead of the School Improvement Fund grant program, already in statute. That program is funded when the Legislature has the resources to expend over and above the State School Fund. It also allows districts to use the SIF funds on any one or more of its approved uses. This enables some accountability and control, balanced against affordability and flexibility. **The A3 amendment follows this School Improvement Model, already in statute, which has worked well in the instances for which it was operative.** By contrast, the underlying bill limits its flexibility to districts whose allocation will be so small as to make participation in the program unlikely. If the program is worth doing, it's worth doing well. With some districts having access to minuscule sums, a teacher or counselor cannot even be hired to implement the program requirements, and the out-of-scale accountability demands that grantees would be held to would further discourage participation. HB 2246 attempts some mitigation, but insufficiently.

4. LOCAL CONTROL

Another point: the measure as written takes away local control. A school district may not, as M98 is written, concentrate on the area of focus that is most critical for their community. The ODE community forums on ESSA, our OEA data from the 2016 Symposium and Voices from the Field, and the ODE ESSA workgroups all elevated the need for local communities to help shape local education. **We support returning decision making to those who know their students' needs.** What is appropriate for Hood River might not be the best for Springfield or for David Douglas High School. You no doubt have seen evidence of this already, with legislation to expand the definition of CTE, for instance, to include agricultural education for purposes of this program. **A key feature of the A3 amendment is its reinstatement of local control so that the educators who know the needs of their students best will be in the driver's seat.**

5. BUREAUCRACY

Several provisions of the ballot measure impose onerous administrative requirements on the State and on districts. They are not just time-consuming provisions, but are also needlessly expensive requirements. An example is the expensive and unnecessary data management system requirements at both the school district and state levels, which involves a highly prescriptive and invasive student tracking program. The measure imposes top-down micromanagement of school districts for monitoring, intervention, and dictation of practice by ODE will be costly and further erode local control. **The amendment to HB 2246A eliminates these bureaucratic provisions to put the dollars where they count – in the classroom.**

6. TIMELINES

With respect to the implementation date of this measure – July 1 – we would point out that there are huge logistics hurdles for the successful implementation of this program. **Before M98 passed, Oregon already was coping with a serious shortfall of CTE-endorsed educators.** This measure significantly worsens that challenge. We understand that the TSPC is currently working on its CTE endorsement, and that they are not yet ready. **The amendment delays the measure's effective date to better sync with the systems in place to make the program fully operational.**

Our association participated in a House work group that attempted to grapple with some, but not nearly all, of these issues. We could not come to an agreement, so the legislative members of the group wrote their own proposal, which is the version before you today. While we are deeply grateful for the valiant attempt to find some middle ground, we believe that the flaws of the Act are largely unrepaired for the reasons laid out here. Fully 11 school districts would be ineligible to participate in the program at all, and as noted, 91 percent of students attend the school districts for which HB 2246A offers no relief at all. The remaining 8 percent attend schools whose districts very well may decide that the gain is too small and the problems too great to participate at all. There is a better way. We ask for your support of the dash A3 amendment to HB 2246A.

Thank you.