



**Date:** February 8, 2017  
**To:** House Education Committee, Chair Doherty and Members  
**From:** Laurie Wimmer, OEA Government Relations  
**RE:** *Measure 98*

On behalf of OEA's 44,000 members, it is my honor to share our reflections about the recently passed ballot measure 98.

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 do have several concerns about the measure as written, however. Because it is statutory, you have the opportunity to improve it so that it meshes well with our system, our funding structure, and student needs. Thank you for your interest in doing just that.

Here are some of the concerns we see, as well as ideas for fixing the problems:

### 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 that Oregon's budget shortfall is \$1.8 billion. 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?

### 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 provided 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 subsequent 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.

### 3. FLEXIBILITY

Because the measure requires school districts to spend grant monies in all three areas of focus, they will not be able to double down on a particularly glaring need, but must dilute the power of this grant by spreading it thin. In a recent advisory group meeting, even the measure's author granted 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. Were the Legislature inclined to improve Measure 98, we would recommend following this model, which has worked well in the instances for which it was operative.

#### **4. LOCAL CONTROL**

Another point: the measure as written takes away local control to elevate the area of focus that is most critical for a particular 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 the best. What is appropriate for Lake Oswego might not be the best for Heppner. You no doubt have seen evidence of this already, with proposed legislation to expand the definition of CTE, for instance, to include agricultural education for purposes of this program.

#### **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. For instance, most people have completely overlooked the expensive annual performance audit by the Secretary of State for each recipient district each and every year. Performance audits are not municipal, or financial, audits – they are extensive and expensive program reviews that can cost more than \$100,000 each to conduct and take months to complete. Because the authors of the measure have clarified that M98 is not so much a “grant” in the competitive sense as a “non-competitive qualifying process”, it is reasonable to assume 197 districts could successfully apply for this money. If each district were required to undergo this review, the state could be on the hook for an additional \$40 million per biennium. Likewise, we would flag for you the requirements in the measure that includes expensive and unnecessary data management system requirements at both the school district and state levels. An example is a highly prescriptive and invasive student tracking program. Finally, the measure imposes top-down micromanagement of school districts for monitoring, intervention, and dictation of practice by ODE that we are sure will have a significant fiscal impact. We would advise that these bureaucratic provisions be eliminated to put the dollars where they count – in the classroom.

#### **6. REACH**

Various sideboards in the measure create additional inflexibility. For instance, by limiting the program to high schools only, middle school students are ignored, yet this is where we have the greatest opportunity to get students back on track and engaged. Preferential language in the measure for use of the funds on STEM programs also is limiting. We would leave the content of CTE offerings up to recipient school districts instead.

#### **7. QUALITY**

We are concerned that the measure would distribute resources beyond public education – to non-profits and to personnel that may not be properly trained and licensed as public school teachers. We would ask that the Legislature protect the educational quality interests of students by ensuring that the programs funded by this measure are taught exclusively in public schools by properly licensed and endorsed teachers.

#### **8. 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. Perhaps the measure’s effective date could be delayed to better sync with the systems in place to make the program fully operational.

#### **9. CLARIFICATION**

Finally, we would ask that the measure be revised to clarify the provision that seems to make the program obligatory, not optional (Section 14). A failure to do so could put at risk the successful voluntary programs already underway, such as the CTE Revitalization Grant Program, serving more than 85,000 in 142 districts, or such exemplars as North Clackamas’s Sabin Schellenberg Center. Districts should additionally be assured of their ability to use M98 funds to enhance such stellar programs, rather than replace them with M98 versions instead.

Thank you so much for your consideration of our thoughts.