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Director of the Department of Education

TO: Chair Neron & Members of the House Education Committee

DATE: Jan 25, 2023

FROM: Zoe Larmer, Government Relations Director

RE: Question posed about the Oregon Department of Education

Chair Neron and Members of the House Education Committee,

Thank you so much for the opportunity to provide an overview of our agency. We are more than happy to continue providing information to you on our work and look forward to our continued partnership on behalf of all Oregon students. Please do not hesitate to reach out to me if you need further clarification.

With gratitude,
Zoe Larmer

Follow Up Questions Posed by House Education Committee Members:

Question: What is ODE's definition of equity?

Response: Along with the nation, ODE's definition of equity continues to evolve as we strive to understand existing inequities and their impacts on children, youth, students, families, educators, and community. In the development of the agency's equity strategic plan we use this definition to guide our thinking:

"The guarantee of fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of some groups. The principle of equity acknowledges that there are historically under-served and under-represented populations and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups." Karen Armstrong, NACE

ODE has also developed an Education Equity Stance that guides our work:



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ODE is committed to the anti-racist and equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

Question: Typically whatever is chosen to be the focus- in the case of our state, equity- will be what will succeed and do well. For the past several years equity of the minority populations have been our focus. And we can see the data that their academic success is increasing while the academic success of our state is decreasing. Do you believe that continuing to put all of our resources and focus on DEI will increase our overall state academic performance?

Response: The state's largest single expenditure is the State School Fund (SSF), \$9.3 billion in the last biennium. The SSF does not have state accountability related to equitable spending, decisions on allocation of these funds sit with locally elected school board directors.

The state has instituted a smaller investment in the Fund for Student Success (FSS), \$2.35 billion in the last biennium. 30% of the FFS is transferred to the SSF. A portion of the 26+ programs funded with the remaining 70% of the FFS include some provisions for equity. The largest of these programs in K-12 is the Student Investment Account (SIA) at \$892 million in the last biennium. By statute the SIA has two goals, which speak to equity but name improved outcomes for all students:

- *“Meet students’ mental or behavioral health needs; and*
- *Increase academic achievement for students, including reducing academic disparities for:*
 - *Economically disadvantaged students, as determined based on eligibility for free or reduced price lunches under the United States Department of Agriculture’s current Income Eligibility Guidelines;*
 - *Students from racial or ethnic groups that have historically experienced academic disparities, as determined under rules adopted by the State Board of Education;*
 - *Students with disabilities;*
 - *Students who are English language learners;*



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- *Students who are foster children, as defined in ORS 30.297;*
- *Students who are homeless, as determined under rules adopted by the State Board of Education; and*
- *Any other student groups that have historically experienced academic disparities, as determined by the State Board of Education by rule."*

A relatively small investment has been focused on DEI efforts for Oregon Schools. However, the closing of achievement gaps and reducing of academic disparities for students of color, students navigating poverty, students with disabilities, students who are emerging bilingual, students who are members of tribes, and other underserved student groups has positively impacted overall academic outcomes.

Question: How long have our academics been in decline?

Response: Outside of a one-year dip during COVID-19, graduation rates in Oregon have been on a steady incline over the last 8 years, improving by nearly 10 percentage points over that time.

Though looking at patterns in English language arts, mathematics, and science test results is important, especially for determining how well our schools are serving student groups that have been historically and currently disenfranchised, we also know that those results can not provide a complete picture of all of the ways that our schools and educators are helping to meet the needs of students. The results are important, but incomplete.

The National Assessment of Educational Progress (NAEP), often referred to as "The Nation's Report Card," is not designed to be fully aligned with Oregon's content standards in English language arts and mathematics. NAEP results can thus be used generally to determine how states are performing in comparison to other states on the same measure and as a barometer for reviewing the robustness of state assessment programs. They are not reported at district, school, or student levels, so cannot duly inform program evaluation at those levels.

The NAEP is typically administered every two years at Grades 4 & 8 in reading and mathematics. The first administration in math was in 1990 and in 1992 in reading. Scores in both reading and



mathematics have been generally trending up for the past 30 years, but were heavily impacted by the pandemic in 2020 and 2021.

At the state level, Oregon’s scores on our state summative tests in English language arts, mathematics, and science have been largely flat during the time period in which new and much more rigorous content standards have been in place (since 2010, though our standards in ELA, math, and science have all been revised since that time). In comparison to pre-pandemic test results in spring 2019, notable drops in proficiency were seen in the spring 2022 (results at the high school level should not be used because participation rates did not support generalizability of those results).

Proficiency Rates by Grade									
	ELA			Math			Science		
Grade	18-19	21-22	Change	18-19	21-22		18-19	21-22	
3	46.5	39.4	-7.1	46.4	39.4	-7.0			
4	49.2	42.5	-6.7	43.2	36.1	-7.1			
5	54.0	46.8	-7.2	37.8	30.0	-7.8	34.7	30.3	-4.4
6	51.5	40.5	-11.0	37.1	27.5	-9.6			
7	54.9	46.3	-8.6	40.1	29.5	-10.6			
8	53.2	43.9	-9.3	38.3	25.9	-12.4	37.5	27.2	-10.3
11	66.5	46.9	-19.6*	32.1	20.4	-11.7*	39.5	31.7	-7.8*
All	53.4	43.6	-9.8	39.4	30.4	-9.0	36.9	29.5	-7.4

Looking at how different student groups in Oregon performed demonstrates that the pandemic had a broad impact on all students in Oregon in terms of race/ethnicity (program eligibility for economically disadvantaged expanded during the pandemic, making this indicator a completely inaccurate depiction



of the impact of poverty). Students federally identified as English learners and students with IEPs did not experience substantial drops, but demonstrated very low levels of proficiency overall.

Student Group	ELA			Math			Science		
	18-19	21-22	Change	18-19	21-22	Change	18-19	21-22	Change
Economically Disadvantaged [^]	40.5	43.5	+3.0[^]	27.0	30.3	+3.3[^]	25.2	29.2	+4.0[^]
English Learners	6.6	5.5	-1.1	7.1	4.9	-2.2	2.3	2.1	-0.2
Students with IEPs	18.5	16.3	-2.3	12.7	11.6	-1.1	11.9	11.2	-0.7
American Indian/Alaskan Native	35.8	26.4	-7.4	22.5	14.3	-8.2	21.9	15.2	-6.7
Asian	71.6	63.6	-8.0	66.1	56.8	-9.3	54.4	45.8	-8.6
Black/African American	31.3	24.3	-7.0	16.7	12.9	-3.8	15.1	12.7	-2.4
Hispanic/Latino	37.2	26.9	-9.3	23.6	15.1	-8.5	20.2	15.0	-5.2
Native Hawaiian/Pacific Islander	36.3	25.1	-11.2	21.3	11.6	-9.7	18.1	12.2	-5.9
White	59.7	50.3	-9.4	45.0	36.0	-9.0	43.3	35.4	-7.9
Multi-Racial	56.9	48.5	-8.4	42.7	34.4	-8.3	40.5	33.2	-7.3

To support districts in making appropriate use of their state summative test results, the Oregon Department of Education has developed resources in the form of Target Reports. Training resources and materials for [Target Reports](#) are available to help guide program evaluation in a more discreet way that mere proficiency rates could not influence. ODE has also made a comprehensive and fully-aligned [interim assessment system](#) available to help drive instruction periodically throughout the year and [formative assessment resources](#) to help inform instruction moment-to-moment in the classroom. Committee members are encouraged to watch two informative videos that provide information about assessment and how ODE leverages the right assessment for the right purpose, which are available at the links below:

- [What is Assessment?](#)



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- [Why do we use Assessments?](#)

Question: Have you considered re-evaluating the educational standards by grade level to focus solely on academic achievement?

Response: We are unclear which standards are being referred to here. The term standards is used in two ways relating to ODE or State Board of Education authorities.

The first is [content standards](#) set by the State Board of Education. These standards are revisited on a set cycle. That cycle can be altered through statutory direction from the Legislature. They include standards for:

- The Arts
- Comprehensive School Counseling
- English Language Arts
- English Language Proficiency
- Health
- Library and Media Education
- Mathematics
- Physical Education
- Science
- Sexuality Education
- Social Sciences
- World Languages

The second is commonly known as [Division 22 Standards](#). The rules contained in Oregon Administrative Rules (OARs) Chapter 581, Division 22 are the educational standards that the Oregon Legislature or the State Board has determined must be met in order to be a standard school district. Compliance with the Division 22 Standards ensures every student in Oregon public schools is provided with a baseline level of service. The Division 22 Standards can be found on the [Secretary of State's Oregon Administrative Rules Database](#). Division 22 is unique because the Legislature has directed the Deputy Superintendent



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of the Oregon Department of Education to enforce the Division 22 Standards through a process set out in statute - these are one of six areas where the Legislature has provided ODE with authority to hold school districts accountable for following state statute and rule and federal regulations. The statutory process explicitly directs ODE to provide school districts with coaching and an opportunity to correct any areas of noncompliance before withholding state school funds. Under the statute, school districts are presumed to be in compliance until a deficiency is found. Once a deficiency is found, the district is required to submit an approved plan to come back into compliance by the beginning of the next school year. During this process, ODE is directed to reach out to the district to offer technical assistance, and the ODE Deputy Superintendent may grant an extension of up to 12 months if the deficiencies cannot be corrected before the beginning of the next school year. If the district fails to come back in compliance by the beginning of the next school year or following an extension, the Deputy Superintendent “may withhold portions of State School Fund moneys otherwise allocated to the school district for operating expenses until such deficiencies are corrected unless the withholding would create an undue hardship. . . .” [ORS 327.103](#).

Question: Do you believe that ODE is meeting its goals? According to your mission and scope:

- **Developing policies and standards**
- **Administering numerous state and federal grants**
- **Helping districts implement best practices**
- **Operating state and federal accountability systems**
- **The Oregon State Board of Education sets educational policies and standards for Oregon's public school districts, education service districts, and community college districts. The State Board is comprised of seven members appointed by the Governor.**
- **Student records, child nutrition programs, student transportation, etc.**

Response: We believe ODE is making progress on goals under its mission and scope. The department could provide evidence of activity under each of the topics listed above.

There are two other considerations:



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- Each action by the department has an impact on local school districts. As local districts work directly with the state's students, families and educators; they are often at the forefront of each of the topics listed above. School districts have varying capacities to change and/or take on additional responsibilities. The department tries to take that into account as new efforts are rolled out.
- There is continually room for further improvement across the topics listed above. As attention or priority centers on one area, sometimes that means other areas become a lower priority. The department attempts to partner and support districts in implementation while driving the agenda that the Legislature and Governor articulate through statute, budget, budget notes, and other directives.

Question: And then according to multiple references in the Risk Assessment- it don't appear that ODE is meeting the mission and scope that they were appointed for. ODE's comment on that Oregon is focused on Local Control for districts seems to have your hands tied, however with the State Report Card and the development of the Division 22 standards, as well as the extensive reporting for all Grant money the schools receive, I find this hard to believe. What is the purpose of all of the accountability, data tracking, and such if ODE is claiming it isn't sufficient to track data and hold districts accountable. So many school districts do evaluations of their students using different measurements like Star360- is ODE not able to request these records of tracking and data?

Response: The Secretary of State Audits Division's [K-12 Education — Systemic Risk Report](#) points out that ODE does not have authority or staffing to shift from a local to a state control model. It adds that if the state wants to accomplish its education goals there is risk that exists under the current model where ODE does not have authority or staffing to support tight state oversight.

ODE does not collect information on local assessments, and many other local student records. To do so securely would require additional staff and expense for both ODE and local school districts.

ODE is also currently limited in instituting new data collections by passage of last session's [HB 4030](#), which states, "Notwithstanding any provision of law, the State Board of Education shall suspend for school districts and education service districts any reporting requirements that: (1) Are not required by federal law; and (2) Are not essential, as determined by the board."



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Question: The 5 risks identified by the Assessment and have also listed identified steps to correct or work toward correcting the issues. What is the process for ODE to implement these changes?

Response: The Secretary of State Audits Division's [K-12 Education — Systemic Risk Report](#) provides 13 suggested leadership actions across five risk areas for the Legislature, Governor, and/or State Board of Education to consider to support ODE in oversight of K-12 education in Oregon. Overall the suggested leadership actions call for (1) deeper investment in ODE to successfully implement the suggested leadership actions and (2) creating more state level authority to monitor and intervene to help struggling districts improve, safeguard taxpayers' investment, and improve services to historically underserved students. Additionally the report states that Oregon's Student Success Act reform and investment efforts hold promise, but that Oregon must stick with the effort to succeed - and avoid the past error of abandoning education reform efforts before they take hold.

ODE has four efforts underway that address part or all of several of the suggested leadership actions: (1) Integrated Guidance - Expanding the Practices of the SIA and HSS Programs, (2) Grant-In-Aid Consolidation Efforts in Partnership with the Joint Ways & Means Education Subcommittee, (3) The SSF Study on BIPoC Outcomes - required by a Ways & Means Budget Note, and (4) Improvements in the Division 22 Compliance System. We are happy to share more about any of these efforts.

ODE awaits prioritization, direction, staffing, and authority from the Legislature, Governor, and State Board of Education regarding further action on suggested leadership actions named in the report.

Question: Aside from money- what do you believe Oregon students need to be successful?

Response: Oregon students need additional instruction and opportunity to complete [unfinished learning](#). Districts are using state and federal funds in many ways to address unfinished learning.

Oregon students need equitable access to mental health and social-emotional wellbeing supports. Many districts are also making use of state guidance and state and federal funds to begin to address these needs.



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Oregon students need to know they are fully welcomed, included, recognized, respected, affirmed, befriended, enjoyed, loved, and are safe in our schools, as every human deserves. They need to know their schools are there for them, regardless of the color of their skin, sexual orientation, gender, religion, tribal status, socio-economic status, language, ethnicity, disability, and other protected identities.