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Colt Gill

Director of the Department of Education

SB 289: Standard, Nonstandard, or Conditionally Standard Districts
Senate Education Committee
February 7, 2023

Chair Dembrow, Vice-Chair Weber, and members of the committee, I am Colt Gill, Director for the Oregon Department of Education (ODE). Thank you for the opportunity to provide information on Senate Bill 289 regarding the determination of standard, nonstandard or conditionally standard school districts and education service districts. At this time, ODE has no position on this bill.

Background

Before we turn to analysis of this particular bill, ODE must first recognize the grounding truth that our system doesn't serve all its students equitably. The agency is fully committed to creating lasting systems change in partnership with the Legislature; we must make real progress for our students. Our ultimate goal as an agency is ensuring that every student who interacts with our educational system feels that not only have they received what they are legally entitled to, but they have truly received an inclusive and meaningful education—full of joy, understanding, exploration, and learning. The concept behind this bill moves Oregon closer to this goal.

Opportunities

Our current system for ensuring school districts are standard is one of reliance on local control.

As it stands under the assurances process, school districts annually report to ODE any deficiency. In this process, districts make an initial determination of their compliance and ODE follows up with districts that have reported noncompliance; therefore, the assurances process is largely a self-regulatory process. ODE only exercises control through an appeals process.

Currently ORS 327.106 (1) states, "All school districts are presumed to maintain a standard school district until the school district has been found to be deficient by the Superintendent of Public Instruction, pursuant to standards and rules of the State Board of Education."

As structured now, there are inefficient and ineffective mechanisms of enforcement. The timeline for resolution in cases involving urgent health and safety issues as well as cases involving students who are denied access to education or experiencing discrimination is not fast enough. The current tools at ODE's disposal to hold districts accountable are lengthy processes that arguably impact students more than school administrators.



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Under SB 289, school districts and education service districts will be subject to greater regulation by ODE in two ways: First, they will be subject to ODE regulation of all state and federal laws that apply to the public school system. Second, they will be subject to annual determinations by ODE of whether they are in compliance with those laws.

Additional Considerations

There are some areas where more conversation and engagement may make this bill more effective in its goals. There may be opportunities to pursue solutions that continue to support students while still holding school districts accountable. For example, the State Board of Education could take over supervision of implementation of the law(s) an individual district has violated. There is concern that removing interscholastic activities as a penalty for a school district punishes students for the choices and actions of adults.

ODE would require additional resources to implement this bill. To effectively implement the bill, ODE would need three units: a compliance review unit (which currently does not exist), a technical expertise unit (which currently exists, but is assigned to standards development, materials adoption, and other functions), and a compliance enforcement unit (which currently does not exist). Further discussion could allow the Legislature to determine the level of oversight and associated staffing needed for effective implementation.

ODE looks forward to working with this Committee to determine what consequences would need to exist in our system's toolbelt to ensure accountability.

Respectfully submitted,

Colt Gill
Director