



February 10, 2012

Honorable Ron Wyden
United States Senate
Washington, DC 20510

Honorable Jeff Merkley
United States Senate
Washington, DC 20510

RE: Oregon's Request for NCLB Waiver

Dear Senators Wyden and Merkley:

On behalf of the 40,000 members of the Oregon Education Association, we respectfully request that you view the State of Oregon's application to the US Department of Education for a waiver to the Elementary and Secondary Education Act (ESEA) with *caution*, as the OEA works with the State to ensure that we are truly moving in a new direction that will best serve the needs of all of Oregon's students.

We share your demonstrated commitment to strengthening Oregon's public schools. Unfortunately, educators in Oregon know too well that the No Child Left Behind Act (NCLB) – and its overreliance on high stakes testing – is failing our students and undermining the quality of public education. The waiver process should move us away from standardized testing, not perpetuate the flaws of NCLB.

OEA has been supportive of the State of Oregon's decision to attempt to create an alternative path through the waiver process to free Oregon schools from punitive sanctions under NCLB. A large portion of Oregon's waiver application is grounded in the creation of new achievement compacts and between local school districts and the state. The development of achievement compacts is a work in progress under the auspices of the Oregon Education Investment Board in collaboration with education stakeholders. We do not yet know what the compacts will look like and how they will contribute to increasing student achievement.

Our hope and expectation, as active partners in this ongoing conversation, is that the compacts will work in the best interest of all students and in all districts. We must stress to you that OEA's support for Oregon's

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waiver is conditional on the outcome of this process and the terms of the application as it is further refined over the next few months.

Governor Kitzhaber has set a new goal of creating a seamless, unified system from early childhood through post secondary to make certain that every student has access to a quality public school. OEA supports this new direction and we also strongly believe in providing the necessary investment in our schools and students in order to improve the future for all Oregonians.

By way of example, OEA helped the Oregon Educators Benefit Board organize town halls in January to find out what Oregonians think about this new initiative for public education. More than 1,000 students, educators, parents, community and business leaders turned out to learn about the work of the OEIB and give feedback on the proposed achievement compacts. At the seven regional meetings in all corners of the state, community members and education stakeholders shared the successes they are seeing in their schools and their concerns about some of the initial ideas and unintended consequences included in the compacts.

At the regional meetings, education leaders spoke to a variety of concerns, chief among them was funding; participants don't believe that the current proposal addresses the funding crisis facing public education. Education experts want to know how OEIB will impact funding and continue to stress that current revenues are inadequate to achieve the desired goals. Educators, parents and students also have expressed significant concern on the continued reliance on standardized testing to measure student achievement. Educators continue to stress the importance of educating the whole child and the need to address – or at a minimum, recognize – the impact poverty has on student learning gains.

These meetings were good reminders of all that we need to consider as we work hard as public educators and as a state to collaborate about what is best for Oregon's students.

While the punitive implications of the current NCLB law are clear for Oregon's schools, we must be fully aware of any unintended consequence of pursuing a waiver to NCLB. Currently, Oregon's waiver application commits the State to develop and implement a new accountability system beyond anything currently required under NCLB. The estimated cost of this new accountability system is not provided, nor has the state conducted a cost-benefit analysis to determine the relative value of pursuing the waiver. What we do know, however, is that the waiver does not include the necessary funding or additional capacity to support this work at the state and local level. Some states, including California, have already concluded that the costs of federally required changes under the waiver vastly exceed available federal funds.

The creation of "Achievement Compacts", offer the promise of driving the current accountability system toward supportive interventions, rather than punitive sanctions toward struggling schools. This is a positive step forward.

As it is still unclear how these Compacts would be carried out in practice, OEA has proposed the following principles to guide ongoing policy development and local implementation.

- **Achievement Compacts must be developed collaboratively between local school leaders and educators.** It's critical that any achievement compact require collaboration between the district and the educators charged with delivering on it to help all students in public schools succeed. It is essential that the compacts provide a meaningful opportunity for professional educators to be directly involved in developing, evaluating, setting and meeting the districts' goals for student success.
- **Ensure that every district has access to a statewide data and technology infrastructure to share best practices and information.** In order to achieve the goals put forth in the compacts, schools need the ability to collaborate with, and share information and best practices with other local schools; districts need to share among districts; and the Oregon public needs to know how this new direction is leading to increased student achievement and success.
- **Move away from an overemphasis on harmful standardized testing.** Research has long proven that standardized test scores are not the best measure of a student's success in school and also an incomplete measure of student growth. The achievement compacts should measure the things that really matter in terms of student achievement such as learning conditions, class size, individual student growth, and teacher quality through formative evaluation processes and 100% licensure standards. The OEIB should focus on the significant barriers to learning that impact student achievement like economic conditions, disability, language and lack of parental involvement, all which play a large part in determining the level of success of all Oregon's students. I know these factors well, as a current classroom teacher of 37 individuals, each bringing with them 37 different learning challenges and 37 different possibilities of greatness.
- **Align our investment in our schools with the outcome we expect.** There is no additional funding that will come with these compacts. It's important to recognize that school districts are still dealing with "crisis" level budgets. We cannot expect our schools to continue to do more with less. Oregon cannot expect 100% results with a 65% investment. We must address the disinvestment in public education so that every student has the opportunity to succeed.
- **Protect local control and avoid one-size-fits-all mandates.** Every community in Oregon has its own unique set of conditions under which students best learn. Student and family demographics, socio-economic status, geography, and the level of community support are just a few factors that significantly impact teaching and learning. It is parents, teachers, school and community leaders who know what is best for their neighborhood schools. The achievement compacts should reflect what the local community wants and needs for their students and their schools.
- **Address the needs of the whole child/family.** The leading predictor of student success is family income. Poverty directly impacts a student's ability to learn. The compacts must recognize the level to which students are experiencing food and housing insecurity, lack of access to health care and other conditions of poverty that impact learning. Oregon's public schools need to support opportunities for ALL students to achieve.
- **Share accountability.** We are all in this together --- students, parents, teachers, administrators and public officials. Educators believe in accountability and are not afraid of high standards. As we expect our schools to perform to certain standards, it just makes sense that the compacts would

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include reciprocal standards for elected officials who are responsible for providing the investment necessary for every student in a public school to succeed.

Lastly, an overriding concern with the waiver rests with a **continued overemphasis on testing** for accountability. The State is attempting to take a positive step forward in more meaningful measures of student growth. It recognizes that growth, not just arbitrary achievement levels, is a more accurate measure of educational quality. The waiver application, however, requires that high-stakes, standardized test scores are a core indicator of success.

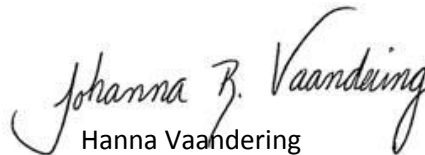
Standardized test scores remain the primary measure of schools, staff, and students for funding and accountability purposes. In fact, federal waiver requirements place a disproportionate emphasis on test scores in evaluating teachers. The continued focus on teaching to the test narrows instructional practice and curriculum, further eliminates investment in enrichments and electives -- programs not related to testing.

We appreciate the opportunity to share our vision and concern with Oregon's draft waiver application, and welcome the opportunity to discuss this issue with you. Thank you for your time, support for public education and committed service to the people of Oregon.

Sincerely,



Gail Rasmussen
OEA President



Hanna Vaandering
OEA Vice President

cc: Oregon Governor John Kitzhaber
Ben Cannon, Education and Policy Advisor to Governor Kitzhaber
Susan Castillo, State Superintendent of Public Instruction