2/7/12 OEIB Meeting
Agenda Item #4-2
Revised 2/6/12

February 6, 2012

To: Oregon Education Investment Board Members

From: Tim Nesbitt

Re: Achievement Compacts

This is to update you on the legislation to establish achievement compacts and to recommend a process to prepare for the implementation of the compacts in the 2012-13 school year.

Legislation

Senate Bill 1581 contains the legislative proposals adopted by your Board related to the authority of the Chief Education Officer and the establishment of achievement compacts with all educational entities. A copy of the bill and a section-by-section summary are attached. The bill received an informational hearing on Feb. 1 before the Senate Education and Workforce Development Committee, at which the Governor, Nancy Golden and I testified for your Board.

Amendments

At the Feb. 1 hearing, the Governor offered a package of seven amendments he had approved for the committee's consideration. Since the hearing he has approved an eighth amendment related to the Oregon Health and Science University. These amendments are as follows:

1. Achievement Compacts with universities: In addition to an achievement compact between the OEIB and the Oregon University System, establish an achievement compact between the OEIB and each university in the Oregon University System.

2. Role for the Quality Education Commission: Specify that the OEIB shall work with the QEC to identify best practices at the district level and estimate the costs and benefits of their adoption on a broader scale.

3. Relationship of K-12 district compacts to QEM: Require that each achievement compact with a K-12 school district specify its level of funding for a given fiscal year compared to the fully-funded Quality Education Model level of funding, as allocated by the state's funding formula. The OEIB shall provide these data in each achievement compact presented to each K-12 school district. The QEC shall assist the OEIB in developing these data.

4. Compliance with state laws:
    - Clarify the original intent of the OEIB that a waiver of reporting requirements is not intended to waive compliance with the laws that are the subject of the reports.
    - Delete the OEIB's blanket authority to direct other education boards and agencies to waive state laws or reporting requirements as permitted by state or federal law.

- To the extent permitted by federal or state law, give the OEIB the authority to suspend or reduce the CIP requirements for districts based on their achievement compact results.

5. Involvement of teachers and other employees: See new Section 14(5) language (attached).

6. Provide more focus on achievement gaps: Clarify that the goal setting shall apply to disadvantaged student groups so that goals and targets reflect plans to close achievement gaps for disadvantaged student groups and that the reporting of results shall extend to each sub group.

7. Add a more explicit reference to the 40/40/20 goals as the reference point for each educational entity's targets for diplomas, certificates or degrees and the plotting of a trajectory to the achievement of these goals by 2025.

8. Achievement Compact with OHSU: Clarify that the achievement compact with OHSU shall be limited to "enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding."

These amendments will be taken up in one package of amendments by the Senate committee at a work session scheduled for Feb. 8.

Implementation of Achievement Compacts

Assuming the enactment of legislation to establish achievement compacts for the 2012-13 school year, we will need to move forward with a process by which to arrive at the final versions of the compacts for K-12 school districts, education service districts, community colleges, the university system and each of its seven universities and OHSU. Then, we need to have the compacts ready for distribution to the boards or administrations of the educational entities by April 1. To meet that deadline, we plan to bring the draft compacts to you for adoption at your meeting on March 13.

Rule Making Procedures

Procedurally, your action at the March 13 meeting will require the adoption of a temporary rule to establish the requirement for achievement compacts to be followed by adoption of a permanent rule within 180 days thereafter. A temporary rule is warranted in this instance because we will not have enough time to enact a permanent rule between the enactment of the legislation and the target date for distribution of the adopted compacts to the education entities.

We have taken the necessary first step for rule making with the appointment of Seth Allen as our Rules Coordinator.

The next steps require the appointment of an advisory committee or "other means to obtain public input." Usually, the advisory committee is comprised of representatives of affected organizations. It is also recommended that the rule making body notify affected persons and hold a public hearing, if practicable, prior to adoption of the rule.

To finalize the compacts in a timely fashion, offer opportunities for public input and follow the legal requirements for rule making, we recommend that you put the following process in place to enable an informed decision on the compacts at your March 13 meeting.

Process for Finalizing Achievement Compacts

We recommend the appointment of two Board subcommittees to develop the final elements of achievement compacts: one for K-12 school districts and ESDs; the other for post-secondary institutions. In addition, we recommend the appointment of an Advisory Committee of stakeholders to review the recommended rules, hold a public hearing and provide input to the subcommittees.

The Advisory Committee would consist of representatives of:

1. Oregon School Boards Association
2. Confederation of School Administrators
3. Oregon Association of Education Service Districts
4. Community College Association
5. Board of Higher Education (Academic Strategies Committee)
6. Oregon Health and Science University
7. Oregon Education Association
8. Oregon School Employees Association
9. American Federation of Teachers
10. Minority community organizations (2)
11. Oregon PTA
12. Oregon Student Association
13. Early childhood providers
14. Health care advocacy organization (e.g. Healthy Kids Learn Better)

The process and timeline would work as follows.

Timeframe	Actions
2/7/12	OEIB approves process
2/7-2/10/12	• Governor appoints achievement compact subcommittees of OEIB members and appoints chair of each for: ○ K-12 and ESDs; ○ Post-secondary.
2/13-2/29/12	• Subcommittees begin meeting to work up proposed final elements of achievement compacts for 2012-13. • Staff recruits Advisory Committee of stakeholders per Board's direction.
	If achievement compact legislation is enacted:
3/1/12—3/912	• Advisory Committee meets, reviews compacts to be recommended by each of the two subcommittees and provides recommendations to the subcommittees. • Subcommittees finalize recommendations
3/13/12	• OEIB receives recommended temporary rule(s) to establish elements of achievement compacts for each sector for 2012-13 • OEIB takes public comments on recommended rule(s) • OEIB adopts temporary rule
3/14-3/30/12	• Staff incorporates data, finalizes compact to be sent to each educational entity; distributes to each entity

Following the adoption of the temporary rule, we will recommend a new timeline and process for the adoption of a permanent rule, including procedures for reporting achievement compact results in 2011-12, by 180 days thereafter (by the end of September 2012).

Next Steps

The Governor has agreed to appoint two subcommittees as outlined above. He will ask Nancy Golden to chair the subcommittee for K-12 and ESDs. He will ask Matt Donegan to chair the subcommittee for post-secondary. He will make additional appointments to both groups at tomorrow's meeting.

The Governor will direct staff to convene an Advisory Committee to provide feedback in the rule making process, based on your Board's suggestions of key stakeholders to serve in that capacity.