Outline of Proposed Temporary Rules for Implementation of Achievement Compacts by the Oregon Education Investment Board

Draft #4
March 14, 2012

Contingent on passage of Senate Bill 1581, the Oregon Education Investment Board (hereinafter "the Board') will enact temporary rules to effect the implementation of achievement compacts for the 2012-13 fiscal year. The draft proposed rules are as follows.

1. Education Entities Covered

   [This rule will restate the education districts and universities covered by the compacts, as described in the legislation.]

   The education entities required to enter into achievement compacts with the Board are:
   a. A school district, as defined in ORS 332.002;
   b. An education service district operated under ORS chapter 334;
   c. A community college district or community college service district operated under ORS chapter 341;
   d. The Oregon University System established by ORS 351.011;
   e. A public university of the Oregon University System, as listed in ORS 352.002; and
   f. The health professions and graduate science programs of the Oregon Health and Science University operated under ORS chapter 353.

2. Parties to Achievement Compacts

   [This rule will restate the parties to the compacts, as specified in the legislation.]

   The Board shall enter into achievement compacts with the governing body of each education entity. The "governing body of an education entity" means:
   a. For a school district, the school district board;
   b. For an education service district, the board of directors of the education service District;
   c. For a community college district or a community college service district, the board of education of the community college district;
   d. For the Oregon University System, the State Board of Higher Education.
   e. For a public university of the Oregon University System, the president of the university;
   f. For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

3. Terms of Achievement Compacts

   [This rule will specify the terms of the compacts that may be established by the Board and specific requirements for compacts with K-12 districts and OHSU, as specified in the legislation.]

   The Board shall establish the terms for achievement compacts, which may include:
   a. A description of goals for outcomes that are consistent with the high school and college completion goals identified in ORS 351.009 and the educational goals

expressed in ORS 329.015 and ORS 351.003 and the mission of education provided in ORS 351.009. (See text of these statutes below.)

b. A description of the outcomes and measures of progress that will allow each education entity to quantify:
   (i) Completion rates for critical stages of learning and programs of study; the attainment of diplomas, certificates and degrees; and achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;
   (ii) Validations of the quality of knowledge and skills acquired by students of the education entity; and
   (iii) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

Notwithstanding the terms listed above, the achievement compact for OHSU shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

For K-12 districts, "the board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506"

4. Optional Pilot Measures

[The legislation provides for In addition to the outcome measures specified by the Board, the governing body of an education entity may include in its compact outcome measures that the district chooses to use to inform its goals for educational achievement.]

Pursuant to the drafts under consideration, these shall be known as "local priorities."

The OEIB shall:

- Provide guidance and/or examples to education entities; and
- Require education entities to provide a research-based/evidence-based rationale for their use of additional measures and a description of what it is hoped can be accomplished by the use of these measures..

5. Guidance

The Board will provide guidance to all educational entities on the definitions and methodologies to be used in setting targets for outcome measures at the time it distributes the compacts.

Examples:

Calculation of progress needed to achieve the 40/40/20 goals by 2025.

For high school completion, the categories may include completion rates for students who:

- Were awarded a high school diploma in four or fewer years;
- Were awarded a high school diploma in five years;
- Were awarded a modified diploma;
- Were awarded an extended diploma; and,
- Earned a General Educational Development (GED) certificate.

To be tracked separately: Students who dropped out of school without receiving any of the diplomas or certificates identified above, or were no longer qualified to receive a public education and did not meet the requirements for any of the diplomas or certificates identified above. Question: How to track the students who age out of the system without any form of diploma?

The Board shall provide guidance to all education entities regarding the progress needed to achieve the 40/40/20 goals.

The Board shall provide guidance to education entities regarding the progress needed to close the achievement gap when setting targets for disadvantaged populations.

6. Distribution of Compacts to Educational Entities

   For the 2012-13 fiscal year, the Board will distribute achievement compacts to all educational entities by 5:00 PM, April 2, 2012. Distribution may be effected by electronic means.

7. Completion of Achievement Compacts

   Prior to the beginning of each fiscal year, the governing body of each education entity must complete and execute its achievement compact with the Board.

   Completion means that the governing body "shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year."

   [Note: Some draft achievement compacts do not yet call for both numbers and percentages, but will be revised to include both, consistent with the language of the legislation, as determined by the Board..]

   The target numbers and percentage of students must be provided "for the aggregate of all disadvantaged subgroups, as defined by federal law or specified by rules adopted by the board."

   Regarding "disadvantaged subgroups:"
   - Is there a better term to use, e.g. "underserved populations"?
   - Use the definitions of federal law for K-12 and ESDs (as reflected on the draft compacts).
   - For post-secondary, define as racial/ ethnic – including African American, Hispanic/Latino, Native American, Pacific Islander and two or more races – and economically disadvantaged (using Pell Grant Eligibility as a surrogate for low income). Question re: veterans.

- Track the high school completion rates detailed in #5 above for students with disabilities.
- Education entities may provide a range of target numbers and percentages, but the Board will focus on the low end of any range provided..
- Education entities may provide target numbers and percentages for years beyond the next fiscal year.

Restate Section 15 (5) of SB 1581 regarding open communications with parents, educators, community members etc.

Execution of the compact requires the signature of the chair or president of the governing board or that of its chief executive officer and its submission to the Board.

The deadline for the submission of achievement compacts for 2012-13 shall be 5:00 PM, July 2, 2012. Submission may be effected by electronic means.

[To be addressed in later permanent rules: Should education entities be allowed to modify their target numbers and percentages after submission and acceptance of their compacts in the event they receive new information? If so, what are the appropriate triggers?]

8. Receipt and Acceptance of Achievement Compacts

   The Chief Education Officer (or, in the absence of the Chief Education Officer, the Chair of the Board or the Chair's designee) shall acknowledge receipt of the compact and shall inform the education entity of the Board's acceptance of any pilot measures within 30 days of its receipt.

   The Board shall post on its website the compacts received and summary reports of the information therein.

9. Response to Achievement Compacts

   The Chief Education Officer shall be authorized to communicate with the governing boards of education entities on behalf of the Board in regard to the implementation of and response to achievement compacts.

Statutory References

327.506 Quality education goals; duties; report. (1) The quality goals for the state's system of kindergarten through grade 12 public education include those established under ORS 329.007, 329.015, 329.025, 329.045 and 329.065.

(2) Each biennium the Quality Education Commission shall determine the amount of moneys sufficient to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals.

(3) In determining the amount of moneys sufficient to meet the quality goals, the commission shall identify best practices that lead to high student performance and the costs of implementing those best practices in the state's kindergarten through grade 12 public schools. Those best practices shall be based on research, data, professional judgment and public values.

(4) Prior to August 1 of each even-numbered year, the commission shall issue a report to the Governor and the Legislative Assembly that identifies:

(a) Current practices in the state's system of kindergarten through grade 12 public education, the costs of continuing those practices and the expected student performance under those practices; and

(b) The best practices for meeting the quality goals, the costs of implementing the best practices and the expected student performance under the best practices.

(5) In addition, the commission shall provide in the report issued under subsection (4) of this section at least two alternatives for meeting the quality goals. The alternatives may use different approaches for meeting the quality goals or use a phased implementation of best practices for meeting the quality goals.

329.015 Educational goals. (1) The Legislative Assembly believes that education is a major civilizing influence on the development of a humane, responsible and informed citizenry, able to adjust to and grow in a rapidly changing world. Students must be encouraged to learn of their heritage and their place in the global society. The Legislative Assembly concludes that these goals are not inconsistent with the goals to be implemented under this chapter.

(2) The Legislative Assembly believes that the goals of kindergarten through grade 12 education are:

(a) To equip students with the academic and career skills and information necessary to pursue the future of their choice through a program of rigorous academic preparation and career readiness;

(b) To provide an environment that motivates students to pursue serious scholarship and to have experience in applying knowledge and skills and demonstrating achievement;

(c) To provide students with the skills necessary to pursue learning throughout their lives in an ever-changing world; and

(d) To prepare students for successful transitions to the next phase of their educational development. [Formerly 326.710; 1995 c.660 §3; 2007 c.858 §2]

341.009 Policy. The Legislative Assembly finds that:

(1) The community college is an educational institution that is intended to fill the institutional gap in education by offering broad, comprehensive programs in academic subjects and in career and technical education subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who

will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students. It can provide means for continuation of academic education, career and technical education or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies. It may also provide the means to coordinate courses and programs with high schools to accommodate successful transition to college degree programs.

(2) Each community college should be so located as to be within commuting time of a substantial majority of its students. As an economical method of providing education close to the student's home, the community college should remain a commuting institution.

(3) The community college should establish its organizational patterns to maintain a unique quality of flexibility and the ability to change to meet changing needs.

(4) The community college is a post-high-school institution under the general supervision of the State Board of Education. It should not be a "starter" institution intended to evolve into a four-year baccalaureate institution. It should be concerned with programs terminating before reaching the baccalaureate degree.

(5) The community college should continue to be prohibited by law from becoming a baccalaureate degree granting institution.

(6) Admission to the community college should be open to high school graduates or to persons who have not graduated from high school who can profit from the instruction offered.

(7) There should be close cooperation between those directing the community college program and those responsible for higher education, so that lower-division college transfer programs of the community college will provide adequate preparation for entering baccalaureate degree granting programs, and so that students will be able to transfer with a minimum of difficulty.

(8) The community college should offer as comprehensive a program as the needs and resources of the area that it serves dictate. Cost to student and quality of instruction in established private institutions should be among the factors in determining necessary duplication of effort.

(9) It should be the policy of the community college to open its facilities and make available its resources to the high schools of its area on a sound contractual basis, for appropriate secondary or transitional courses, either academic or as part of career and technical education, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) Programs designed to meet the needs of the area served should be based on the actual educational and service needs of the district. Specific career and technical education courses should be related not only to the employment opportunities of the area but of the state and nation as well. Such determination should be made in consultation with representatives of labor, business, industry, agriculture and other interested groups.

(11) The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program. With the advice of the Higher Education Coordinating Commission, the State Board of Education should prepare estimates and make the requests for legislative appropriations for a reasonable and consistent basis of support and establish standards for the distribution of that support.

(12) The initiative for the establishment of new community colleges should come from

the localities to be served, as a response to demonstrated educational needs of an area. However, these localities must not only be willing to assume the responsibility for the institutions but must be able to provide resources needed for an adequate educational and service program.

(13) The governing board of the community college should be charged with the policy-making function. With respect to educational programming, the governing board should in cooperation with the State Board of Education:

(a) Identify educational needs of the district; and

(b) Bring together the resources necessary to meet the needs.

(14) The state should maintain a policy of substantial state participation in community college building costs and the maintenance of an adequate level of state support for operation. However, no state funds should be appropriated for buildings such as dormitories or athletic facilities for spectator sports. The district should provide a substantial portion of the funds for capital improvement as well as for operation of a community college.

(15) State appropriations for community colleges shall be made separately from those for other segments of education.

(16) The formula for the distribution of funds for operating costs should reflect the heavier operating costs and capital outlay for certain career and technical education courses. Federal funds received for career and technical education, adult basic education, workforce development or other federal initiatives should be used for those purposes only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

(17) The cost of education to the individual should be sufficiently low to permit students of low-income families to attend. This is particularly true of tuition costs. However, students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local school districts and education service districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such areas. [1971 c.513 §97; 1993 c.45 §130; 1995 c.67 §2; 2007 c.858 §36; 2009 c.94 §12; 2011 c.637 §122]

351.003 Additional findings. In addition to making the findings under ORS 351.001, the Legislative Assembly finds that:

(1) Oregonians need access to educational opportunities beyond high school and throughout life.

(2) To meet the societal and individual needs described under ORS 351.001, Oregonians have created and should sustain diverse institutions of higher education, both independent and state-assisted.

(3) These institutions have developed the intellectual capacity of Oregonians and have prepared thousands of them for productive and fulfilling careers.

(4) These institutions should provide educational access to all segments of Oregon’s diverse population.

(5) These institutions provide research that generates knowledge value essential for Oregon’s economic growth.

(6) These institutions engage the professional expertise of their faculties to solve social problems.

(7) These institutions provide important cultural activities and services that add to Oregon’s

quality of life. [1993 c.240 §2; 2001 c.964 §1; 2011 c.638 §2]

351.009 Mission of education beyond high school. The Legislative Assembly declares that the mission of all education beyond high school in Oregon includes achievement of the following by 2025:

(1) Ensure that at least 40 percent of adult Oregonians have earned a bachelor's degree or higher;

(2) Ensure that at least 40 percent of adult Oregonians have earned an associate's degree or post-secondary credential as their highest level of educational attainment; and

(3) Ensure that the remaining 20 percent or less of all adult Oregonians have earned a high school diploma, an extended or modified high school diploma or the equivalent of a high school diploma as their highest level of educational attainment. [1993 c.240 §5; 2011 c.638 §3]