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March 12, 2012

Honorable John A. Kitzhaber
Governor of Oregon
900 Court Street NE
Salem, Oregon 97301

Dear Governor Kitzhaber:

This is in response to the letter dated February 27, 2012 from Senator Hass and co-signed by Representative Komp to Governor Kitzhaber regarding the need for a new approach to student assessment in Oregon. The Department of Education agrees that a new approach is needed and that approach should be based on an assessment that is aligned to common core standards and is built in partnership with other states sharing a common vision. The Department of Education in partnership with your office and the State Board of Education has been taking actions to implement the Smarter Balanced assessments. There are several reasons why Oregon is moving from OAKs to the Smarter Balanced Assessment including:

- The Smarter Balanced assessments will include capability to test higher order thinking skills, having less multiple choice and more constructed response.

- Smarter Balanced assessments are being designed to be a better measure of critical thinking skills and offer helpful and more transparent information for our students, teachers, parents, and policy makers.

- Smarter Balanced assessments will better align with other states so Oregon can benefit from curriculum development, professional development, textbooks and related resources.

- Smarter Balanced assessment may also provide enhanced instructional guidance and support through its formative and interim assessment options.

The Department of Education looks forward to continuing to work with your office, the Oregon Education Investment Board and local school districts as Oregon moves from OAKs to the Smarter Balanced assessments.

The February 27, 2012 letter also contained specific statements for which we have provided specific responses below:

"For that reason, in 2009 we joined with our colleagues to unanimously support HB 2362, which permitted Oregon school districts to access assessments that are tailored to individual student achievement." Pg. 1, Paragraph 1, sentence 2:

- This incorrectly summarizes the impact of HB 2362 as establishing a *district-level* option. HB 2362 actually created a *state-level (e.g., ODE)* option to make such assessments available (or not). HB 2362 specifically stated that "In addition to the assessment system implemented under subsection (2) of this section *(OAKS)*, the department **may** make available to school districts and public charter schools an assessment system." (italics language and emphasis added).

- Although HB 2362 granted ODE the authority to make an alternative assessment system available, the Legislature did not provide additional funding for this additional assessment system.

Any assessment system needs to address the needs of all students including those who are traditionally underserved. OAKS provides data about, and instructional guidance for, students from each of these categories: with disabilities; who are English language learners; of color; from diverse ethnic backgrounds; and of poverty.

"The current Oregon Assessment of Knowledge and Skills (OAKS) is confined to assessing students solely with respect to grade level status and provides no actionable information to advance instruction." Pg. 1, Paragraph 1, sentence 3:

- NCLB requires assessments of student performance on grade-level standards for federal accountability. Oregon's assessment is designed to be in full compliance with this requirement and other federal requirements.

- Oregon does allow students to test at a higher grade level through OAKS.

- ODE provides fine-grained content reports with feedback at the district, school, and classroom level to inform instruction. These reports show the relative strengths and weaknesses at the aggregate level across content standards.

- ODE provides student-level reports with feedback on how individual students perform by content strand.

- The Oregon University System is implementing OAKS scores as a valid option in their automatic admission program.

***"In 2009 we were on the vanguard of the education transformation you sought in SB 909 (2011) and SB 1581 (2012) with the local innovation and district choice embedded in HB 2362."* Pg. 1, Paragraph 2, sentence 1**

- HB 2362 does not create a *district* choice; it creates a *state-level* (e.g., ODE) choice. The language specifically references, "the **department may** make available to school districts and public charter schools…" [emphasis added]

***"Even with the total support of the entire Legislature in 2009, there has been no progress made by ODE to even inform school districts of their student assessment options, let alone assist districts to access student-centered assessments as we intended."* Pg. 1, Paragraph 2, sentence 2**

- There was no requirement in HB 2362 for ODE to inform school districts generally of student assessment options. Again, HB 2362 stated specifically, "the department **may** make available to school districts and public charter schools **an** assessment system."

This language also describes “an assessment system” as an option not informing districts of “student assessment options.”

- Although ODE does inform school districts about student assessment options, ODE’s Education’s budget has been significantly reduced since the passage of HB 2362.

- One method ODE has used to inform school districts about student assessment options is on page 27 of the annual Test Administration Manual (http://www.ode.state.or.us/wma/teachlearn/testing/admin/2011-12-tam.pdf), ODE communicates to the field about all available student assessment options (both required and optional) that are supported by ODE. The Manual includes both assessment options for district/school accountability and assessment options for the Essential Skills graduation requirement (student accountability).

- In 2009, the Oregon Department of Education, in partnership with the University of Oregon, received a federal grant to make the easyCBM assessment available to Oregon Schools. These benchmark measures allow teachers to efficiently identify students at risk of failure and then allocate educational support for them and then to use progress monitoring measures for evaluating the effects of educational programs provided to them. All measures are valid and reliable for both types of decisions with their technical adequacy documented in math and language arts over three decades of research.

“It has been and remains the position of ODE that all decisions must be made by ODE, and all assessments must be created and administered by them.” **Pg. 1, Paragraph 2, sentence 3**

- The Legislature has specifically directed ODE in state law to implement a statewide assessment system. However ODE does not prohibit districts from adopting and administering additional assessments beyond those required at the state level for accountability purposes.

- Some districts currently do use various formative and summative assessments as options for their students, just not for accountability purposes.

- For purposes of the Essential Skills graduation requirement, Appendix K of the Test Administration Manual explicitly identifies a variety of approved assessment options. In addition to OAKS, this includes locally administered and scored work samples and an array of additional assessment options (23 for Reading, 1 for Writing, and 13 for Math).

“In our view, this ‘one size fits all’ approach is one of the reasons student performance in Oregon has declined so tragically during the past decade.” **Pg. 1, Paragraph 2, sentence 4:**

- As evidenced in ODE’s key performance measures # 3 (Student Achievement) and # 4 (Student Growth)(http://www.ode.state.or.us/wma/data/2011_appr.pdf), student performance on OAKS has held fairly steady over the past ten years.

- To the extent that performance on the OAKS Math assessment has declined in the past year, this is explained by the increased rigor of our content standards and achievement standards which went into effect in 2010-11.

- Scores from the National Assessment of Educational Progress in both math and reading show that the performance of Oregon 4th and 8th graders has been stable since 2003.

- We are not aware of any research related to the lack of student performance being attributed to an assessment system which has been approved by peers and the USED as technically adequate.

"The fiscal impact statement **[submitted by ODE for Section 15 of SB 1581]** ***appears more designed to block this shift in policy rather than to gage its true cost."*** **Pg. 1, Paragraph 3, sentence 3 (continues on p. 2)**

- The fiscal impact represents what ODE feels to be a solid estimate (gauge) of what it would take to comply with the language of the amendments. The fiscal impact statement also identified the risk of loss of federal funds.

"Instruct ODE to delay a new Request for Proposal (RFP) on statewide assessments until fall 2013 to allow time for the policies and processes articulated in SB 909 and SB 1581 to take shape and to allow time for Oregon's Chief Education Officer to evaluate the current assessment landscape in Oregon." **Pg. 2, bullet 1**

- Delaying procurement until the fall of 2013 will be problematic given the public contracting laws state agencies and ODE must follow. This delay could likely create a situation where Oregon would not have a summative assessment in place for the 2014-15 school year.

- Not having an assessment contract in place would put Oregon out of compliance with federal accountability requirements and could jeopardize tens of millions of dollars of federal funding.

- Oregon (ODE and Districts) needs to be at the table as a governing state lead in the development of the next generation of assessments if we want to see our values reflected in the new system.

- The transition to a new assessment system requires significant planning at the state and local levels in order for a successful implementation.

- Delays in the transition will create major problems for Oregon at the local, state, and federal level.

"Direct the State Board of Education Oregon Department of Education and Chief Education Officer to inform school districts of the availability of the assessment systems described in ORS 329.485(3), particularly in the context of measuring achievement compact performance." **Pg. 2, bullet 2**

- ORS 329.485(3) (created by HB 2362) does not provide a *district-level* option. Instead, ORS 329.485(3) provides a *state-level (e.g., ODE)* option to make such assessments available (or not). As the Legislature has chosen not to fund this option, assessments are not available to districts under this subsection.

"Working with ODE, the State Board of Education, the OEIB, the Chief Education Officer and school district officials, develop an administrative method and a funding model for both accountability assessments and the formative assessment system

described in ORS 329.485(3), or a blended model, to ensure school districts that choose to use an alternate assessment system have a process and resources to implement such an assessment system, particularly for achievement compact measures." **Pg. 2, bullet 3**

- Under the current law, ODE is not required to make assessments available under ORS 329.485(3) available.

- ODE would need additional funding to make another assessment system available.

"These steps and others are essential to reforming student assessment in Oregon and ensuring the achievement compacts in SB 1581 accomplish their stated goal of improving learning of all Oregon students. We believe these steps fit with your powerful leadership and vision for education." **Pg. 2, paragraph 4**

- ODE does not prohibit districts from independently adopting and administering such assessments and using them as additional evidence built into their achievement compacts.

- The Smarter Balanced Assessment is being designed to provide summative as well as formative and interim assessments.

ODE would like to give you and interested legislators hands-on experience with OAKS Online and the Oregon ELPA and answer your questions. We are confident that you will find that it is a leading edge assessment which other states have adopted in the past three years (Delaware, Hawaii, and Minnesota) and on which the Smarter Balanced assessment (funded with over $100 million) is modeled.

Sincerely,

Ed Dennis
Deputy Superintendent of Public Instruction