4/40/12 OEIB Meeting
Agenda Item #3.d

April 9, 2012

TO: Oregon Education Investment Board

FROM: Whitney Grubbs

RE: Provision of SB 1581 Related to Directing State Board to Waive Certain Requirements

Pursuant to section 15 of SB 1581:

"For the purpose of entering into achievement compacts under section 14 of this 2012 Act and achieving the outcomes, measures of progress, goals and targets described in achievement compacts, the Oregon Education Investment Board:

(a) Shall direct the State Board of Education to waive for the 2012-2013 fiscal year compliance reporting requirements that are adopted by the State Board of Education pursuant to rules adopted under ORS 327.103 and that are related to standards that school districts are required to meet.
(b) May direct the Department of Education to waive, as permitted by federal law, requirements relating to local district continuous improvement plans specified under ORS 329.095."

To meet the requirements of subsection (a), we recommend that the OEIB send a letter to the State Board of Education, directing them to waive the compliance reporting requirements related to Division 22 of the Oregon Administrative Rules. This directive will simply continue the waiver of reporting requirements that the State Board adopted in 2011-12 and planned to continue for the 2012-13 school year. The letter from the OEIB will emphasize that the waiver is related only to the compliance reporting, not to the underlying substantive requirements. Districts are still required to comply with all Oregon laws and/or regulations related to delivering education.

With respect to the provision of subsection (b), which is permissive, Governor's staff has been working with the Oregon Department of Education to oversee a process for reviewing the requirements of local district continuous improvement plans, for the purpose of (1) determining the source of each of the requirements (state statute or rule, federal law or regulation); and (2) making recommendations for those laws and regulations for which the state should seek relief. ODE is moving forward with a process for streamlining all current requirements through a redesign of the continuous improvement planning process. The Governor's office is working with ODE to ensure that the resulting process and requirements are consistent with the OEIB's strategy for improvement and with what is being proposed in the

ESEA Flexibility Request. Both the redesign and the ESEA flexibility request are expected to provide relief for districts during the 2012-13 school year.

The Governor's office is recommending that, until the ESEA Flexibility request is approved and the ODE has completed its review of all of the requirements underlying the CIP, OEIB should not direct ODE to waive any of the requirements of ORS 329.095. If you agree, staff will include in the OEIB's letter to the State Board a statement of support for ODE's current review process and your interest in its timely implementation for the upcoming school year.