



Date: March 25, 2019
To: Senate Education Committee, Chair Wagner and Members
From: Laurie Wimmer, OEA Government Relations
RE: *SB 693 and SB 553 [Open Enrollment]*

On behalf of OEA's 45,000 members and the students they serve, I am testifying in opposition to the two bills before you today that would either extend or eliminate the sunset on open enrollment.

We have had this conversation already. Last year, in the 2018 session, the Senate elected to let die a proposal to extend the sunset for just ONE year. Now, you are being asked to consider either a five-year extension or permanence.

In 2011, open enrollment was enacted as an experiment on our public education system. It was woven over the top of existing inter-district transfer law, creating confusion. Open enrollment deletes the inter-district participation by the resident school district when a student transfers out. This concept is always promoted as a matter of "student choice". No mention was made, at the time or ever, about the equity concerns that often arise as a consequence of such policies.

In any case, the idea of an experiment is to collect information about whether it works and how; what problems may occur as an unintended consequence, and to shift practices to respond accordingly. Unfortunately, the law was designed in such a way that absolutely NO data could be collected about student demographics, to track whether parents were using the tool to effect "white flight". There was also no way to track whether receiving school districts were "skimming" or "poaching" certain types of students.

Nevertheless, as the sunset, originally set for 2017, was nearing, a two-year extension was granted, with the proviso that a work group of stakeholders would review what worked and what did not and create an overall fix to respond to issues that had arisen. Well, that two years passed and nothing happened, despite our repeated inquiries. No data collected, no work group formed, no solutions crafted. In 2018, SB 1521 was proposed to grant another extension. We disagreed that it was needed.

Anecdotally, many education advocates have learned of concerns. In some districts, financial pressures resulting from the loss of per-student funding impacted the programs available to students remaining in their neighborhood schools. School choice for a few meant educational sacrifices for the many.

We know that re-segregation and economic re-stratification are end results of open enrollment where it exists in the U.S., and we have learned of instances of these phenomena in Oregon as well. I have included two articles by Myron Orfield, Director of the Institute on Metropolitan Opportunity at the University of Minnesota Law School which document the role that school choice – both in charter school proliferation and in open enrollment policies – have had in rolling back critical equity progress in public schools.

Lacking demographic data about open enrollees in Oregon, I turned to the data we do collect on our other open enrollment program: charter schools. I have included with this testimony a chart of nine randomly chosen school districts in Oregon, comparing a charter school in each with its nearest attendance-area school

teaching the same age band. Comparing the demographics – race, income, special education status – of the charter and traditional school nearest it reflects the segregation and stratification issues we’ve seen in states that have experienced open enrollment for far longer than Oregon.

In Reynolds School District, for instance, the Multnomah Learning Academy has a 64% white student body, while its counterpart, Fairview Elementary has just 40% white students. Its low-income student comparison is also shocking: 42% in the charter versus more than 95% in Fairview Elementary. Finally, while the charter school has just 8% of its students designated as special education, Fairview has 23% -- well above the state average of 14% and the double-weighted formula compensation of 11%. Please see the student demographic comparison chart for more examples.

Were the open enrollment law allowed to continue, the experience of other states tells us that Oregon too would experience an uptick in such divergences.

Sometimes, it clearly makes sense for an individual student to attend a different school, in a different district. For those instances, Oregon’s inter-district transfer law is available. We anticipate that as the open enrollment law sunsets, districts will continue to make special arrangements whenever warranted.

It is time to return to our inter-district transfer system, wherein both sending and receiving districts collaborate to ensure the best interests of each and all students. In these fraught times, we need to be more united, not divided; more diverse, not more segregated; more focused on equity-for-the-many, not choice-for-the-few.

It was the intent of prior legislators to sunset this problematic experiment. It’s time for that intent finally to be honored. We ask that you oppose passage of both open enrollment proposals.

Thank you.