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Colt Gill

Deputy Superintendent of Public Instruction

HB 2060 A: Student Success Act Changes
Senate Rules Committee
May 24, 2021

Chair Wagner, Vice-Chair Girod, and members of the committee, I am Colt Gill, Director for the Oregon Department of Education (ODE) and Deputy Superintendent of Public Instruction. Thank you for the opportunity to provide written testimony in support of House Bill 2060 A.

The Promise of the Law Remains

There is a widespread sense that the two-years of listening done by the Joint Committee for Student Success was incredibly important and led to legislation that holds real promise of educational change in Oregon. The law embeds key principles of authentic community engagement with special attention to focal students along with families and staff. It puts the application of an equity lens in relationship to strategic planning focused on student well-being and solving long-standing academic disparities.

During the initial implementation period, the Department has identified some modifications to the Student Investment Account and Statewide Education Initiatives Account that will help support the intent and purpose of the Student Success Act (HB 3427).

HB 2060 A has gone through extensive public input before bringing it to the Legislature. The bill is supported by the Governor's Racial Justice Council and has community support through the Oregon Partners for Education Justice.

Changes in HB 2060 A

Section 1 - "Economically Disadvantaged" Student Definition

First, HB 2060 A directs the State Board of Education to define in rule "economically disadvantaged" students for the purposes of the Student Investment Account (SIA). Although free or reduced price lunches under the United States Department of Agriculture's current Income Eligibility Guidelines is one commonly used method for "economically disadvantaged students," it does not completely capture the nuances of economic disadvantage. For one, not all who are eligible for free and reduced price lunches apply for the program. Second, families at or below 185 percent of the federal poverty level are eligible for these programs. While this program's measurement is great in the case of expanding access to nutritional meals to children

who may need it, it does not give us the full complex picture and measurement of children who are in poverty. Lastly, many schools are moving to community eligibility under the National School Lunch Program, which makes tracking individual student eligibility more difficult. Having the State Board of Education develop a definition can help give us more detailed information about the students we serve in Oregon.

Making this definition change will not impact funding for school districts in Oregon. The way the funds are distributed in the SIA is based on the school fund formula. This definition we are currently talking about for “economically disadvantaged” is separate from the definition that exists in the State School Fund. This request for the State Board of Education to define “economically disadvantaged” is only for measuring students overcoming academic disparities. It does not impact the financial part of the Student Success Act in any way.

Sections 2 & 3 - Optional Targets for Student Mental & Behavioral Health

HB 2060 A allows the State Board of Education through community engagement to establish **optional** targets for student mental and behavioral health needs for the purposes of the Student Investment Account (SIA) that the district may decide to use. School districts would still have local control and autonomy to decide how to invest their SIA funds within the allowable uses and how to report their progress in this dimension. While grant recipients are focused on student mental and behavioral health outcomes, starting a conversation on how to develop a statewide framework for these targets will allow all grant recipients to have a better idea of what expectations and goal setting could look like.

ODE does not intend to hold the new potential “targets” in HB 2060 A to the same requirements of “performance growth targets” mentioned by the SSA. The purpose of this is to create a measurement tool, and it will not tie to accountability as the “performance growth targets” do or be punitive in nature. This is an optional tool for districts to use to gauge whether they are making the difference in their schools they hoped to make. Local control is still very much at the forefront: school districts may choose to use these optional targets, create their own targets or markers, or simply not use these targets and use only the original four “performance growth targets” required by the SSA.

In the rulemaking process for HB 2060 A, the Oregon Department of Education and the State Board of Education are committed to rigorous and sincere community engagement, making space at the table for all, including school counselors, community organizations, education associations, students, and student mental and behavioral health experts. We anticipate

incorporating feedback from all of our education and community partners to develop rules that make sense for our students and the people responsible for supporting them.

Sections 4 & 5 - Student Investment Account Eligible Applicants

This proposal expands the list of eligible applicants to include Youth Corrections Education Program, Juvenile Detention Education Program and the four state sponsored charter schools not sponsored by the school district for the purposes of the Student Investment Account.

The original law effectively left out the State Board of Education sponsored charter schools unless they qualified to apply as eligible applicants because of their demographics. Unlike other public charter schools, the four state sponsored charters do not have a district sponsor and could not be invited to participate in a district's SIA application. HB 2060 A as currently drafted only allows state sponsored charters to participate with district applications if not eligible because of demographics.

Sections 6 & 7 - Student Success Plan Updates

These sections of the bill make technical changes to our Student Success Plans. The African American/Black Student Success Plan is updated to remove language stating "a member of a student group that is not covered under an existing culturally specific statewide education plan" from the statute. (The Department now has authority to identify other student groups for statewide plans in ORS 327.254.) It would also allow education service districts to receive grants under the African American/Black Students Success Plan.

Additionally, the Latino/a/x & Indigenous Student Success Plan would be changed to allow education service districts and tribal governments to receive grants under the plan.

Sections 8, 9 & 10 - School Nutrition Program

During the 2020 short session, ODE introduced [SB 1520](#). Section 8 and 9 have the same changes we [requested in 2020](#). Section 8 specifically does the following: the first recommended technical fix is to revise the definition of "eligible student" in Section 26 (1) of the School Breakfast & Lunch Program. ODE proposes to replace "student who is eligible for free or reduced price lunches based on USDA current income guidelines" with "student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no charge or reduced price." As it currently reads, this definition leaves out students who are:

- a) Certified for meal benefits through methods other than income, e.g. Homeless, foster or migrant students, and
- b) Attending schools that use population eligibility to access the National School Lunch Program and School Breakfast Program, e.g. Community Eligibility Provision and Provision 2.

Within these two instances, individual students are not determined eligible for free and reduced price breakfast and lunches by income eligibility guidelines. For Community Eligibility Provision (CEP) and Provision 2, a formula is used to allocate meals into reimbursement categories. An estimated 329 schools serving over 120,000 students would not be required to implement Breakfast after the Bell under the current definition of eligible student.

Section 9 modifies school reimbursement rates for purposes of schools that provide free or reduced price meals under the National School Lunch Program or School Breakfast Program. During rulemaking, community partners and stakeholders asked ODE to propose replacing the current language: “The actual amount that a student would have been required to pay for the breakfast or lunch, taking into consideration if the student qualified for a free or reduced price lunch” with “The reimbursement rate established by the United States Department of Agriculture for reimbursable meals.” The current language is problematic as it will result in different rates of state reimbursement per meal because of different meal prices among grade levels— elementary, middle, and high—and between school districts. Technical stakeholders expressed concern about fairness because school districts could approve high paid meal prices in order to receive more state reimbursement. In federal regulations the setting of meal prices is a local level decision, preventing a state-set price.

Section 10 clarifies the changes to Section 9 applies to costs on or after July 1, 2021.

Section 12 - Student Success Teams Account

Currently, the Intensive Coaching Program (Student Success Teams) is an initiative that is funded directly from the Statewide Education Initiative Account (SEIA) under the Student Success Act. Revenues deposited in the SEIA are dedicated to the account, which includes multiple purposes and is not tied to any specific program initiative funded from the account. There are some program initiatives in SEIA (Hunger Free Oregon and High School Success), that have dedicated accounts for their program initiatives and as such, the funding received in the SEIA are transferred to these dedicated accounts and are preserved for the program long-term. For all other remaining program initiatives without dedicated accounts such as the Intensive Coaching Program, any unused resources pledged for the biennial program budget is reverted to the SEIA

and becomes available funding to be re-budgeted by the Legislature. Since the Student Success Team is an initiative that requires a minimum of four years of participation from school districts who participate in the program, the Department is needing to establish a dedicated account that ensures resources can be maintained beyond the two year biennial budget period. HB 2060 A changes ORS 327.222 to incorporate standard language used for dedicated treasury accounts to establish a Student Success Teams Account for the purposes of administering the intensive program.

There is no fiscal change in terms of how funding is spent to support districts – it will simply move funds from one account (that is not restricted to certain programs) to another that is specifically dedicated for the purpose of the Student Success Teams. This will make for better continuity and more efficient tracking of financials.

Previously Adopted Amendment -4

Based on feedback from stakeholders, ODE agreed to amend out certain provisions included in the Introduced version of the bill. First, Oregon School of the Deaf was removed from being added to the list as eligible for Student Investment Account funds. Second, we kept the current Oregon standard of a private right of action intact instead of aligning to the federal standard found in the Family Educational Rights and Privacy Act (FERPA). Finally, the -4 amendment also added the changes regarding the Intensive Coaching Program (Student Success Teams) described in Section 12. These changes were adopted by the House Rules Committee on May 11th.

Thank you for the opportunity to provide comments, and we welcome any questions you may have.

Respectfully submitted,

Colt Gill