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Testimony for the House Education Committee on HB 2009-1

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**Summary:**

The Oregon Association for Talented and Gifted (OATAG) advocates for the needs of talented and gifted (TAG) students across Oregon and supports families, educators, and communities. As a primary point of contact for families facing challenges with TAG services, we strongly support efforts to improve accountability within Oregon's public education system. While we support the intent of HB 2009, we have significant concerns regarding certain provisions in the Dash-1 amendments and believe they require reconsideration to ensure the bill achieves its intended outcomes.

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**Testimony:**

OATAG fully supports the goal of HB 2009: to improve accountability in our public education system. However, we believe that, as amended, HB 2009-1 falls short of achieving this goal and may unintentionally perpetuate existing gaps in accountability—particularly for talented and gifted students.

Through our work with families, we have encountered persistent accountability challenges in the education system, including:

**1. Lack of Implementation Requirements:**

While Oregon has strong education standards, the enforcement mechanisms are inadequate. State law often requires school districts to *adopt policies* but not to *implement them*, rendering these rules effectively unenforceable.

**2. Over-Reliance on Complaint-Driven Accountability:**

The current system relies heavily on families and lower-level staff to file formal complaints to address non-compliance. This process is intimidating, exposes families to potential retaliation, and can fracture relationships within school communities. As a result, many issues go unreported, allowing non-compliance to persist without consequence.

**3. Minimal Follow-Through on Non-Compliance:**

Even when the Oregon Department of Education (ODE) confirms district non-compliance,

there is little follow-up to ensure corrective action. This lack of enforcement undermines accountability efforts and diminishes trust in the system.

4. **Opaque and Legalistic Complaint Resolution:**

The current complaint resolution process is complex, slow, and underfunded. By the time resolutions are reached, students have often moved on or the school year has ended, rendering the response irrelevant or too late to be effective.

5. **Fragmented Oversight:**

Accountability functions are dispersed across multiple state and federal entities, including the Governor's Office, the State Board of Education, the Department of Justice, and the Department of Education. This fragmentation allows gaps to persist and complicates effective oversight.

6. **Inaccessible and Incomplete Data:**

School and district performance reports are often difficult for the public to understand and routinely exclude critical data about the progress of talented and gifted students. Without accessible and comprehensive data, accountability is severely weakened.

7. **Neglect of High-Achieving and Gifted Students:**

One of the most significant failures of Oregon's accountability system is its persistent neglect of high-achieving and gifted students. State reports routinely exclude these students from meaningful evaluation, leaving tens of thousands of students without appropriate support.

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### **Concerns About HB 2009-1**

We are particularly concerned that HB 2009-1 will perpetuate the exclusion of talented and gifted students from accountability systems. State law defines TAG students as **“children who require special educational programs or services.”** Although their need for intervention is confirmed by trained school teams, they—and other high-achieving students--have been deliberately excluded from key reports and omitted from state funding.

1. **Problematic Definition of Student Groups:**

Section 2, subsection 11 of the Dash-1 amendments omits talented and gifted students from its list of "student groups". This repeats the harmful precedent set by the Oregon State Board of Education in 2022, when it resolved that “lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities.”

This declaration is wrong. Gifted students experience significant academic disparities in addition to social-emotional challenges. The exclusion of gifted students from accountability measures ignores both their needs and their potential.

As noted in the report from the Department of Education to the Senate Education Committee under SB 736 (2023)

“equitable access to accelerated learning programs begins with high leverage instructional practices for all students beginning in kindergarten. Merely offering the classes at the secondary level doesn't mean students were effectively and equitably prepared to be successful in advanced learning classes during their elementary and middle school years. The successful implementation of these early education initiatives has been hampered by a lack of adequate funding. It is crucial to secure sustainable funding sources to ensure equitable access to accelerated learning opportunities for all students.

Equitable access to accelerated learning programs is essential for supporting students' successful transition into post-secondary education and careers. These programs provide students with the academic rigor and skills necessary to excel in college and the workforce. Moreover, they can help close achievement gaps and create a more level playing field for all students.”

The state board was wrong to exclude a group of students from state support only because of their own hard work and desire to learn. It is time for Oregon to move beyond deficit-based thinking.

## 2. **Inadequate Accountability Metrics:**

Section 2 also prescribes metrics based solely on "proficiency" in reading and mathematics. Proficiency is a static, single-point-in-time measure that does not capture student learning growth. This is akin to measuring a child's nutrition by their height without considering their growth rate or previous nutrition access.

This is especially misguided following COVID when students in some schools had less access to distance learning technology and fell behind. Schools should not be singled out because of a circumstance entirely beyond their control and irrelevant to the effectiveness of their current work.

This approach is also damaging for high-achieving students. Without disaggregated growth data, we lose sight of whether high-achieving students from marginalized backgrounds are making appropriate gains—or being left behind. Instead of relying solely on proficiency, the bill should require **growth data by performance level**, disaggregated by demographics.

## 3. **Missed Opportunity for Improved Accountability:**

Section 5(c) of HB 2009-1 calls for performance growth targets but lacks clear guidance to ensure the data is actionable or meaningful. Oregon already has experience with unintelligible growth reports that provide little value to families or policymakers.

Instead, we urge the committee to approve **SB 933**, which has already passed the Senate Education Committee. SB 933 requires clear, actionable data on student achievement gains disaggregated by ability level, ensuring that neither high-achieving nor very low-achieving students are invisible in accountability measures.

#### 4. **Alignment with Federal Reporting:**

Section 33(c) of HB 2009-1 calls for aligning state reporting requirements with federal requirements. We strongly oppose this alignment unless it explicitly requires the inclusion of talented and gifted students. Federal ESSA reporting requirements omit gifted students, and aligning Oregon's system with this flawed standard will perpetuate their neglect.

#### 5. **Complaint Resolution Process:**

Section 35 calls for a reevaluation of the complaint process. OATAG has extensive experience with the current broken complaint system and submitted detailed recommendations to the State Board of Education last year. We urge that any entity tasked with reviewing the complaint process specifically consider the challenges faced by families advocating for talented and gifted students.

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#### **Recommendations:**

To improve accountability and address the persistent exclusion of gifted students, we urge the committee to:

1. **Amend Section 2, Subsection 11** to explicitly include high achieving and talented and gifted students in the definition of student groups to ensure their academic needs are not ignored.
  2. **Revise accountability metrics** to require measurement of student *growth* rather than static proficiency, disaggregated by ability and demographic group, as recommended in **SB 933**.
  3. **Oppose federal alignment** in Section 33(c) unless it explicitly requires accountability for talented and gifted students.
  4. **Prioritize complaint resolution reform** in Section 35, ensuring the process is accessible, responsive, effective, transparent, and protective against retaliation.
  5. **Ensure follow-through** when the Department of Education confirms non-compliance or districts report being non-standard, requiring transparent and enforceable corrective action.
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**Conclusion:**

Oregon cannot have a meaningful accountability system while it systematically excludes talented and gifted students from consideration. Any state accountability framework must address *all students*, including those who demonstrate high academic potential but face systemic barriers to appropriate services. By strengthening the language of HB 2009 and incorporating the provisions of SB 933, we can create a more equitable and effective education system for all Oregon students.

We respectfully urge the committee to reconsider key elements of HB 2009-1 and ensure that accountability measures are truly inclusive and meaningful. Thank you for considering our perspective.

Respectfully submitted,

Margaret DeLacy  
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Oregon Association for Talented and Gifted

**NAEP 8th Grade Math, 90th Percentile Performance by Family Income**



Source: NAEP Data Explorer • Created with Datawrapper

Source: “The return of accountability: And the growing, sizable gaps between high- and low-performing students, [Tim Daly](#), Mar 10, 2025

<https://edadvance.substack.com/p/the-return-of-accountability?>