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Testimony for the Senate Education Committee on SB 141-1

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 resource for families navigating TAG services, we strongly support efforts to improve accountability within Oregon's public education system. While we appreciate the intent of the Dash-1 amendments to SB 141, we have significant concerns regarding specific provisions that must be reconsidered to ensure the bill achieves its intended outcomes for all students, including high-achieving and TAG students.

Testimony:

OATAG fully supports the goal of SB 141-1: to improve accountability in our public education system. However, in its current form, SB 141-1 falls short of this goal and risks perpetuating existing gaps in accountability—particularly for high-achieving and talented and gifted students.

Concerns About SB 141-1

SB 141-1 continues to exclude talented and gifted students from accountability systems, despite state law defining TAG students as “children who require special educational programs or services.” Although their need for intervention is recognized by trained school teams, these students—as well as other high-achieving students—have been systematically excluded from key reports and omitted from state funding.

High-achieving students are also absent from the bill’s “disaggregated groups,” despite research showing they make the lowest achievement gains. This neglect is particularly harmful to low-income and marginalized high-achieving students who are doubly neglected. The bill’s reliance on a single measure of “proficiency” conceals this problem and further fails to support these dedicated and capable students—who are vital to Oregon’s future success.

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 exclusion mirrors 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 flawed. 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. Gifted and high achieving students experience academic disparities as well as significant social-emotional challenges. By omitting them entirely from accountability measures, the bill ignores both their needs and their potential.

A 2023 report from the Department of Education to the Senate Education Committee under SB 736 states:

"Equitable access to accelerated learning programs begins with high-leverage instructional practices for all students starting in kindergarten. Offering advanced courses at the secondary level does not guarantee students were effectively and equitably prepared in earlier years. The lack of adequate funding has hindered the successful implementation of early education initiatives. Sustainable funding sources are crucial to ensure equitable access to accelerated learning opportunities for all students."

Oregon must move beyond deficit-based thinking. Excluding talented and gifted students, as well as high-achieving students, from all measures of accountability signals an acceptance of mediocrity and systemic neglect.

2. Inadequate and Ineffective Accountability Metrics

Throughout the amendment, accountability metrics rely solely on "proficiency" in reading and mathematics. As we highlighted in testimony for SB 933, proficiency is a static, single-point-in-time measure that does not reflect student growth—akin to assessing a child's nutrition by their height without considering growth trajectory or previous access to nutrition.

This reliance on proficiency alone has led to ineffective and unjust evaluations in the past. A prime example is the "reconstitution" of Jefferson High School in Portland, which was outperforming the district in student learning gains but was unfairly targeted based on a flawed accountability framework.

This is especially misguided following COVID when students in some schools had less access to distance learning technology and fell behind and have not yet caught up. 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 damaging for high-achieving students. Research has shown that it is the highest-achieving students who are making the lowest learning gains. Moreover, without **student gains, disaggregated first by ability**, we cannot determine whether high-achieving students from marginalized backgrounds are making appropriate progress or being left behind. This focus on a single measure also conceals the progress of very low-achieving students.

Instead of focusing solely on proficiency, the bill should require:

- Measurement of student growth, not just static proficiency scores.
- Growth data disaggregated first by performance level and then by demographic group, as recommended in SB 933.
- The resulting reports should be produced with public involvement, should produce actionable information, and should be in a form that the public can easily understand. Previous “growth” reports were incomprehensible and incorporated the expectation that high achieving students would make lower learning gains.

By adopting these measures, accountability would include **all** students—ensuring neither high-achieving students nor those struggling the most remain invisible.

3. Alignment with Federal Reporting

Section 33(c) of SB 141-1 proposes aligning state reporting requirements with federal requirements. We strongly oppose this unless it explicitly requires the inclusion of talented and gifted students. Federal ESSA reporting requirements fail to account for gifted students, and adopting these flawed standards at the state level will only perpetuate their neglect.

4. Complaint and Appeal Resolution Process

Section 35 calls for a reevaluation of the complaint and appeal process by an entity chosen by the State Department of Education. OATAG has extensive experience with the current ineffective complaint and appeal system and submitted detailed recommendations to the State Board of Education last year. We reviewed some of these problems in our previous testimony on SB 141. We urge that any review of the complaint process be inclusive, transparent, and driven by meaningful stakeholder engagement.

5. Review of Division 22 Standards

Section 35 also calls for contracting with an unspecified “entity” for a review of the Division 22 Standards. Numerous legislative and task force reviews have already been conducted on these standards. Instead of another costly review, we recommend focusing on ways to improve the implementation and enforcement of existing standards. Moreover, in the past, a review of the Division 22 Standards has served as a vehicle for covert efforts to remove the standards requiring services for Talented and Gifted students. Any reviews should be public, inclusive, and transparent and should include a voice for Talented and Gifted students who have routinely been omitted in task forces, reports and reviews, in part because of an assumption that they will thrive without any attention and in part because of their exclusion from state funding.

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 once again.
 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 with our standards or districts report being non-standard, and require transparent and enforceable corrective action.
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Conclusion:

Oregon cannot have a meaningful accountability system or a high-performing education system while systematically excluding talented and gifted students and high-achieving students. Any state accountability framework must address **all** students, including those who demonstrate high academic potential but face systemic barriers to appropriate services. By amending the language of SB 141-1 and by 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 SB 141-1 and ensure that accountability measures are truly inclusive and meaningful. Thank you for considering our perspective.

Thank you for your consideration

Respectfully submitted

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