



---

**BEFORE THE:** State Board of Education  
**REGARDING:** HB 3499 ELL Rules - Item 7a/b  
**BY:** Morgan Allen, OSBA  
**DATE:** 10-22-15

---

Chair Summer and members of the State Board of Education, my name is Morgan Allen and I am here to share comments about proposed ELL Rules on behalf of the Oregon School Boards Association.

OSBA was proud to be a part of the coalition that helped craft and pass House Bill 3499 during the 2015 Legislative Session. We appreciate the process that has been set up by Deputy Superintendent Noor and Dr. Bautista. We are in the process of getting additional feedback from our membership on these draft rules but would like to offer a few initial thoughts at this first reading.

1. The draft rules currently prohibit school districts that have been identified for district improvement in other state programs to be eligible for the supports outlined in House Bill 3499. We disagree with this prohibition and would urge you to amend the rules to make all school districts and schools eligible for these supports. As currently drafted, the rules will likely exclude schools with students who would greatly benefit from these programs.
2. One of the criteria for identifying school districts in need of improvement is the percentage of students who attend college after graduation. At minimum, we would ask the Board to consider the percentage of students who enroll in post-secondary systems to be considered. Four-year institutions do not constitute a complete picture of success after high school.
3. The rules as currently drafted do not take into account the mobility of many of our ELL students. We would encourage the Board and ELL Workgroups to add this focus to the process to ensure that student movements are followed so that supports can follow the students.
4. OSBA has reviewed the letter from the Oregon Alliance for Education Equity and we support several of their suggestions, including: disaggregation of ELL data, clarity around school selection criteria and tracking progress of all ELL students. The letter did ask for the creation of a new “oversight” committee not created by House Bill 3499. OSBA believes that the oversight of this work rightly belongs to the Department of Education and State Board of Education. We support seeking stakeholder input but do not support the creation of additional committees at this time.
5. OSBA has briefly reviewed the comments from the Oregon Education Association and agrees that some of the language in the draft rules comes across as “punitive” rather than “a system of supports.” We also share concerns about too much reliance on testing data that is new (Smarter Balanced) or changing (ELPA 21). Oregon is not using the testing data to rate schools and districts and has postponed using the testing data to evaluate teachers and administrators for at least a year. The State Board of Education should consider whether this data that is *not* being used in other sectors is appropriate in all instances related to the work of HB 3499.

In conclusion, there is still lots of work to be done on these rules and we urge you to continue to seek out input from stakeholders to help inform this critical work.