

**Content & Goals  
and  
Practice & Delivery**



**Joint Report to the**

***Quality Education Commission***

**June 1, 2000**

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### **Content and Goals Practice and Delivery**

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## I. Introduction

The charge of the **Contents & Goals Panel** is to review the model against the research literature. The Panel has been asked to determine what research says makes a difference in student achievement and learning. They are to apply the research-based recommendations to the model and to edit, refine and improve the model in accordance with their findings.

The charge to the **Practice & Delivery Panel** is to determine how to best implement the research findings. They are to apply the best practices to suggest what staffing and what resources must be provided to implement the model. They have also been asked to review the feasibility of the goal of having “90 percent of the students meet standards with the remaining 10 percent making significant progress.”

The two Panels met separately for four meetings each. By the fifth meeting they were focused on similar issues and had agendas that melded the research and practice elements of their charges. At that meeting they combined and operated jointly for the remainder of their work.

## II. Executive Summary

The Quality Education Model is a tool for evaluating on a statewide basis the costs of high-performance schools. The model uses prototype schools designed by expert panels that consisted of teachers, principals, superintendents, school board members, higher education professors from teacher and administrator training programs, business representatives and parents. Two Panels worked separately in the early months and then joined together to finish their review and recommendations. This is their joint report.

The expert panels re-examined the original model for better precision, validation and refinement and make recommendations here for improvements.

The Joint Panel read a number of research reports, examined compendiums of research findings and discussed best research-based practices. Those that appear to matter most form the basis for recommendations here for improvement of the model.

The Joint Panel considered the tangible elements and components of the OQEM, analyzed them against their review of research literature and best practices and formed a set of recommended improvements. The intangible dimensions of the OQEM identify potentially significant elements that are widely considered to be critical to the effective functioning of schools. This is an area of focus for one of the Commission’s consultants, Dr. David Conley, and the Panel conferred with him to provide input at that level.

### *1. Review of a Review*

The Joint Panel reviewed the report of the Special Committee on the Quality Education Model. This special committee was established at the end of the 1999 legislative session to examine the OQEM. The Joint Panel found their report helpful but lacking in any specific recommendations that could be used in revising the model. The chapter by Meyers and Silverstein was disappointing in that it appeared to have some key misunderstandings of the OQEM. Meyers and Silverstein saw the model as a simple attempt to increase funding, as using a market basket approach and as being overly prescriptive. None of these is accurate

in the judgement of the Joint Panel. Nonetheless, the Joint Panel feels the special committee report does provide value in pointing out areas of fuzziness in the original OQEM and places where there is need for better articulation of what the model is about and how it can become an extremely useful tool for decision makers.

## ***2. Panel Recommendations for OQEM Improvements***

The Joint Panel examined the original OQEM for alignment with best research based practices. The Panel makes a number of recommendations that add flexibility to the suggested use of resources while not increasing substantially the actual FTE needed. They make recommendations on:

- The model as a guide for funding, not a mandate for practice. The prototype schools are not meant to be templates for any school. They are a way to show an example of high performance schools that have staffing and other resources constructed to meet state designed goals and standards. The assumptions will support any curriculum or any teaching method. They do not dictate a specific delivery or particular programs and do not determine how teaching and learning will take place.
- Adjusting program staff at the elementary level to match recommendations in the middle and high school prototypes. There is also a suggestion for using resources for a TAG coordinator.
- Safe schools assisted by instructional support staff, alternative programs, collaborations with other agencies and development of Family Resource Centers.
- Strengthening curriculum instruction, assessment and continuing professional development.
- Providing more prep time and control of the teacher workload.
- Beefing up technology service and equipment.
- Providing staffing for “short course” offerings at middle and high school in an effort to maintain a comprehensive nature to education.
- Suggesting more review of the ability of gate receipts to support athletic participation.
- Improved support for ESL/LEP/ELL services.
- A new approach to funding and serving high-cost, low-incidence special education students.
- A focus on extending academic time for students and teachers through extending the school day or school year.
- Emphasizing teacher time for team planning and teacher collaboration.
- Suggesting addressing of the weakness of the model in dealing with the CAM. Contextual learning is an important component that needs attention as soon as academic standards are developed to accompany the Career Related Learning Standards and final assessment methods.

### ***3. Mandates***

The Joint Panel was impressed with the number of mandates made on schools. They come from federal, state and local sources. They put forward some ways of reviewing these various requirements in light of what fits with state goals and standards, what can be integrated into other curriculum and what should simply be left to local judgement. They make a specific recommendation to allow no more than five percent of instructional time to be usurped by the cumulative requirements of outside mandates, including those developed at the local community level.

### ***4. Prototype Schools in Brief***

There is a brief description of each prototype. It outlines the major assumptions that go into each prototype school.

### ***5. Forecasting Improvements***

The Quality Education Model gains some of its strength from the concept of forecasting what the increased performance will be as a result of providing a model of directed resources. This report outlines a concept for doing some forecasting of benchmark scores, growth from one assessment to another and time used for implementation.

### ***6. Implementation Options***

The Joint Panel offers three implementation options.

The first option is for full implementation. Anything short of full implementation should bring an expectation of something short of full results in student performance growth. There will be proportionately less growth with proportionately less resources.

Two fall-back positions from full implementation are one with priorities of the expert panel focused on time as a critical element in education. With that in mind option two has an all day kindergarten, 20:1 class size, ESL staffing improvement, focused staff training, and adequate materials.

Finally, the Joint Panel's last option implements the "priority goals" of the Education Leadership Team. Those goals are yet to be finalized but now appear to be some version of focus on literacy, with reading at the third grade as a focus; staff development to assist the teaching and administration that supports the literacy goal; cooperative program development; and accountability.

## **III. Review of Model's Key Assumptions**

### ***1. Practices That Matter Most***

If it were a novel, it would be by a Russian author. There are so many players, it's hard to keep track; there are plots within plots; and the same "character" is called by several different names ... school reform, excellence movement, school improvement, restructuring, effective schooling. The search continues but no "magic charm" has appeared that will make *all* schools effective, for *all* children, at *all* grades and at *all* times.

Recent years have brought us to those practices that are most likely to increase school success at improving student performance. Kathleen Cotton, Ph.D., Research Associate at Northwest Regional Educational Laboratory, writes,

*For the person who asks, “what combination of schooling conditions and practices holds the greatest promise” ... we have no scientifically provable or globally agreed upon answer ... however ... there are data plentiful enough to permit informed interpretation about the most beneficial schooling practices.*

Therefore, the Joint Panel has concluded the model should preserve a local option to choose that mix of components and elements the local school believes will best serve its particular student population. If progress is not made, the state would then have an interest in some intervention. They should examine how the school aligns with those schools which have similar demographics and how the school uses the model prototype components.

The Joint Panel reviewed the Oregon Association of School Executives report, *Keys to a Quality Education*, the Oregon Elementary School Principals Association report, *Opportunity To Learn Standards for Oregon*, the Northwest Regional Educational Laboratory report, *The Schooling Practices that Matter Most*, and the Association for Supervision and Curriculum Development (ASCD) report, *Research You Can Use To Improve Results*. Additionally, individual members referred to various research papers and direct experience that brought forward teaching and learning issues they thought most important.

## ***2. Review of Tangible Schooling Factors That Contribute To Student Achievement***

Both Panels reviewed the tangible elements and components in the OQEM. Suggestions for improvement are listed in Section V of this report. The Joint Panel analyzed them against their review of research literature and best practices. They met with Kathleen Cotton to discuss the many and occasionally conflicting research reports. They relied heavily on her review, *Research You Can Use To Improve Results*, which she produced cooperatively with the ASCD. That compendium of research presented findings supported by more than 1,400 of the highest quality and most useful studies and summaries available.

The Joint Panel affirmed the major assumptions made by the OQEM at each level. **They would note that these assumptions support *any* curriculum or teaching method; they do not dictate delivery or particular programs.**

## ***3. Review of Intangible Schooling Factors That Contribute To Student Achievement***

The intangible dimensions of the Quality Education Model represent assumptions about the functioning of the education system in ways that affect its delivery of programs and services. To a significant extent, these are measures of human behavior within organizational structures. Most often they do not have direct costs associated with them. Nonetheless, they are elements that may have profound effects on student learning.

These intangible characteristics are elements which have been identified in the literature and validated as having a potentially significant effect on student learning. They are widely considered to be critical to the effective functioning of schools and, it is believed, measurements can be developed to determine their presence and value. These intangibles

include such things as principal leadership, teacher quality, effective instructional methods, parental and community involvement, an orderly learning environment, a school focus on learning and standards, aligned curriculum and assessment. It can be readily seen that there may be no direct measurement for these elements. Proxies for the elements may be developed or the elements may be broken into derivative units which do lend themselves to measurement.

David Conley, Ph.D., consultant to the Commission and its Panels, has been working on these elements. The Joint Panel met with him on several occasions to discuss the components, elements and assumptions of the model. They discussed thoroughly his paper on intangible elements related to the quality of education. The Joint Panel supports his approach of separating the intangible elements into three general categories and, in the main, support his placement of elements into the categories. They felt he should move the element of instructional use of time from the “important effect” category up to the “critical effect” category. They had questions about the measurement suggestions on several elements but made no specific recommendations because they understood these to be in development and subject to change and revision.

#### **IV. Review of Report from the House Special Committee on the Quality Education Model**

##### ***1. Overview***

The Joint Panel reviewed the report from Representative Winters’ Special Committee. The special committee report did not draw consensus views, it did present the view that teachers generally are not knowledgeable about specific state standards, scoring guides or how to implement the requirements. They surmised this is probably a reflection of the minimal early effort by the state on training and staff development targeted to the standards. The Winters’ report indicates that a broad view of school reform is represented in the model. There were members of the legislature on the committee and this gave teachers on the committee a place to let legislators know what they were most troubled about. They expressed distress about change for the sake of change and the apparent expectation of teachers to produce improvement and to work with assessment protocols with little or no staff development and assistance. Even without specific knowledge of the newly formulated state standards, the report considers teachers are now more focused and are making more of a difference in the movement toward better performance consistent with the standards. The special committee report expressed concern about the lack of time teachers had for preparation and for being trained for the new expectations in the area of assessment and use of assessment for improving teaching. The Joint Panel’s sense of the special committee report is that most teachers saw the OQEM as representing a lot more directed resources than they now experienced.

##### ***2. Augenblick and Myers***

The Special Committee relied on an outside expert opinion of the OQEM. They have an important chapter written by John Meyers and Justin Silverstein who represent a prestigious and respected firm. Augenblick and Meyers are recognized around the country as experts on

school finance in the legal arena. They are among a few firms valued for their expertise in building equitable distribution formulas.

Our Joint Panel, unfortunately, felt the authors, Meyers and Silverstein, had three apparent misunderstandings about the Quality Education Model. First, they mention in their introduction that the purpose of the model is “to encourage the Legislature to set a K-12 education funding level that is significantly higher than the current spending level.” This, of course, is not the purpose. Rather, the model is an attempt to begin making some connection between levels of spending and levels of student performance on state academic standards benchmarks.

Second, Meyers and Silverstein suggest the model is a traditional “market basket” approach. It is not. It is primarily a “professional judgement” approach moderated some by a “market” approach. The rigidity they infer is not present in the intent of the model and the model clearly states its goal is to provide schools with flexibility to deliver program and services as they feel fits their local community. The report of the Commission needs to strengthen that direction.

Finally, Meyers and Silverstein suggest the model is overly prescriptive. This is true only if the intent of the model is misunderstood. The model does not prescribe standards, does not prescribe staffing patterns, does not prescribe spending patterns. It establishes prototypes created by the professional judgement of expert panels to determine a statewide funding amount that can be associated with high performance on state benchmark assessments. The assumptions made in the model will support any curriculum or any teaching method. They do not dictate a specific delivery or particular programs and do not determine how teaching and learning will take place.

While Meyers and Silverstein seem to be wide of the mark in understanding the model, they nonetheless provide value in showing how the model must be more clear in presenting and describing its intent and use. If experts misunderstand the model, then we must do a better job of articulating what the model is about and how it can be used.

## **V. Review of Model Elements and Components**

### ***1. The Joint Panel Analysis of the Prototype Schools***

*Mandate for practice or a guide for funding* – A general comment from the Panel needs to be made about how the final report is understood. There is a vast difference between what is seen as prescriptive, what allows for local determination, and what is meant simply to nudge service and delivery in a certain direction. It is felt that many who have reviewed the current model have mis-identified it as prescriptive. They view it as a cookie-cutter mold that schools should follow. They also compare their school to the model and simply say, “That’s not us.” Then they dismiss it. The Commission needs to do a better job of portraying the model as a plan for determining the amount of money needed in the State School Fund and not as a distribution, allocation or spending model. Under the model, local schools still will determine how they use the money. It is expected that the model will create a marker to be used if schools fail to have students making gains. Then the public and state officials will justifiably begin asking, “Are you doing any of the things in the model that generate your money? Are you doing any of the things that are like the schools that you resemble

demographically but which are making progress?” In that sense the model becomes a prod toward better performance.

*Program staff* – Three key program staff were omitted in the elementary prototype and should be listed at that level. Those missed in the listing are math specialist, librarian and counselor. It is also noted that at the middle and high school it would be more clear if the cells at the beginning for core staffing were shifted to present information as in the elementary prototype. It appears the cells were somehow misaligned.

*TAG services* – It was noted that the Meyer-Augenblick appendix in the Winter’s report had an observation about TAG programs not being included in the model. Our Panel members basically agreed and suggested that we should add a TAG facilitator to the list of options listed under the program element “Instructional Improvement.” There was some question about whether 0.50 FTE was sufficient to do the job in the categories listed. Surely more than one of those jobs was necessary and any one might use the 0.50 FTE. The Panel decided that an FTE increase was a decision for the Commission to consider.

*Safe schools* – The Panel noted that if we are to serve all students, then schools need many alternatives. The members looked at the allotments in Program Elements for “Additional instructional time” and “Instructional support staff assistance” and wondered if there were enough resources there to do the job needed. It was also noted that other FTE assignments and collaborations with other agencies were meant to be available. Students learn best when their families are not under stress. Appendix G of the original Model was reviewed and the section on page 145 outlining the Family Resource Center concept was highlighted. The Joint Panel thought this concept needed more prominence in the body of or final report and some coordination for such centers needed to be specifically noted in the model. (See below.) It was suggested that in each prototype school all of the components under the Program Element of Instructional Support Staff Assistance (except school secretary, nurse and special education) could be grouped as either classified and certificated staff and the inclusion of a resource center coordinator could be added to one of those categories as an option for a school to use. These appear in the middle and high school prototypes but were omitted from and should be added to the elementary prototype.

*Curriculum instruction, assessment, continuing professional development* – These areas should be added to the centralized instructional support staff assistance program elements at each prototype level. Under district administrative overhead, curriculum and instruction and assessment staffing should be added. These are critical components for delivery on the promise of standards based education. These also connect to the assessment needs of a district. Leadership will help teachers work in teams, with the curriculum articulated horizontally or vertically. This requires collaboration among teachers and could involve collaboration among institutions, schools with other schools, districts with other districts, districts with higher education institutions. Use of student learning information for making instructional or programmatic adjustments will require, at the least, someone in the central office who can focus on translating student performance data into classroom action. Work with special education students may necessitate a greater requirement for this central office support

*More prep time and controlled work load* – A general observation is that time is a critical element. Staff development time and prep time for teachers is important to any improvement effort. Time must also be seen as workload – the number of kids in a class, how many of those

have special needs, the quality, type and depth of those student needs. Schools have major problems serving students who just miss qualifying for special services. The model begins to recognize this and provides a modicum of extra assistance for them. These students claim higher amounts of a teacher's time, planning and attention. The prototype schools are silent on this group of students, those who are Public Law 504 kids who aren't on an IEP, who generate no extra state or federal funding but need special attention and services. While it is outside the Panel's charge they suggest that the definition of who gets help for special learning needs should be broadened.

*Technology service and equipment* – The Panel suggests that a technology specialist should be added to the element for Instructional support but there was question about 5.0 FTE being sufficient for all that is in that category. The element for computer hardware seemed to take into account the student classroom needs but it would not cover needs identified as servers, routers, line costs, etc. The SB 622 money for this biennium will cover some of these costs but there is not enough for replacement and continuing annual costs in this model. The Commission needs to determine whether or not the regular ongoing costs of technology support are sufficient. The Joint Panel does not think so.

*Special education, alternative education and Family Resource Center* – The FTE for alternative education at middle and high school may be too light. The Joint Panel thought combining the components of “Special education staffing” and “Alternative education program” and leaving the total FTE at 3.0 would demonstrate a possibility for more flexibility. The members also thought we should show the specific concept of a Family Resource Center in the middle and high school prototypes. This would require adding at least a 0.50 FTE for coordination and could be added to the combined grouping suggested for components of additional support, community outreach and volunteer coordinator.

*Short course electives* – The Panel felt there was a need for middle and high school “short course” electives. They suggested we add those to the Explanation/Assumptions by the component for Additional course staffing.

*Athletic participation and gate receipts* – The Joint Panel felt the assumption that athletic participation and gate receipts fees cover athletic event-related costs (pg. 59) was false. They recognize the coaching and club-sponsor staff is covered but doubt that gate receipts cover uniforms, referees, supervision and league fees, especially for smaller schools. The model should recognize the added costs if we are to offer the events. It was suggested the cost panel explore actual costs in a variety of high schools to determine what is appropriate.

*ESL/LEP/ELL services* – There was some concern expressed about staffing for students with a non-English home language. There was considerable discussion of what a “typical” Oregon school looked like demographically with regard to these students. We discussed again the challenge of looking at our work as a statewide macro funding model vs. a model for specific spending categories or a template for local school replication but concluded the funding for schools with higher concentrations of non-English speaking students or with higher numbers of different languages spoken would be under-funded at the levels suggested in the model. It is suggested that the Resources and Costs Panel confer with the ODE Office of Student Services staff and look more closely at data from the department on funding formula distribution claims.

*High-cost, low-incidence special education service* – Panel members thought we need to highlight the special education issues. The model assumes a \$30 million budget outside the model for

high cost special education students. Such is not now the case and would take new legislation and allocation. It also represents a change in responsibility from local districts to the state for these high need students. Even if such a funding plan occurred, it is still not clear to this Panel that other special education students could be fully served under this model. The Special Education Division at ODE should review this.

*Focus on extending the school year for students and teachers* – This is a concept that was a part of the original reform act but has since been removed. The model has funding for summer school, Saturday school, evening school for students most in need of extra help and ten days added for staff for professional development. The Panel felt we need more emphasis on removing those things that take teachers away from classrooms and principals away from buildings – the things that steal time from the primary tasks that staff are hired to perform. Here are some mandates that impact the use of time in a school day.

*Prep time and controlled work load* – The Joint Panel supports regular collaboration time being available for teachers. They believe professional development time should also be used for teacher reflection and collaboration. Without such time the effects of reform will be minimal. This should be a part of what is meant by staff training and development. Language should be included in the Explanation/Assumptions column, next to Program Element Professional Training and Development that adds “teacher collaboration and team planning.”

*Certificate of Advanced Mastery* – The Joint Panel notes that the model does not address the standards for a CAM. The Joint Panel recommends the model soon address the need that all students have for contextual learning. Done correctly, contextual learning within the CAM prepares students for higher education and the adult world of work. Models for the CAM exist today in some of the “Senate Bill 81” sites from the mid-1990s and the other models being developed out of the 21<sup>st</sup> Century Schools Project. When final academic standards are developed to accompany the Career Related Learning Standards and final assessment methods which allow for demonstration of achievement are completed, the model can incorporate this work. The Joint Panel recommends that when the above work is completed the Commission or its successor meet with ODE staff and selected high schools to make an accurate assessment of FTE and costs to roll out the CAM statewide.

## ***2. Mandates: Federal, State and Local***

Oregon has grown. Since the 1849 Territorial Legislature, Oregon’s public schools have provided students with a method for developing skills and knowledge to enable them to function in their society. In the 1999-2000 school year, more than 560,000 elementary and secondary students were served by this system – more than the entire population of the states of Wyoming or Vermont or Alaska.

The role and responsibilities of the public schools in our communities have grown too. In many locations, the school site is providing a safe haven, meals, health care, counseling and unconditional acceptance. Schools often *are* the community. Schools are frequently a community’s largest employer and employ those who believe in children and the potential they represent. Schools also shelter the educational, social and cultural opportunities district patrons have come to value.

Responsibilities that once belonged to the home, to religious training, to various state, county and city agencies, have been shifted to local schools and are a fact of current educational life as we know it.

The Joint Panel felt that even seemingly legitimate mandated issues that are included in the standard curriculum, take time away from instruction if they are required at every level or imposed on every subject. Expectations in the legislation or in the implementation from ODE about specific curricula need to be clarified. This includes all the safety, health and careers curricula. We have the standards and then come these separate specific curricula requirements. It is often not clear if they remain required or if they are included in the general standards curriculum, with districts expected to implement as they see fit. Many of the mandates now seem disconnected from the standards and simply feel like add-ons. Since it is clear the best education is done by those closest to it, it seems ironic that a state legislative body would create mandates for a local school to fulfill. One suggestion for addressing state legislative mandates is to write legislation which allows local districts to choose from among the mandates but would expect no district to cumulatively implement beyond those that take away more than 5 percent of instructional time. The ODE would provide a list in the spring of each year that includes all mandated requirements for the following school year.

The following list of state mandates is divided into requirements that seem to fit with state standards for education, those that may fit at some grade levels or subjects and those that may be important but should be integrated with other curricula.

- ***State Mandates that Fit with QEM and Standards***

- 329.095 Shall conduct district self-evaluations and update Coordinated District Improvement Plan biennially
- 336.095 Shall provide kindergarten
- 336.107 Encourage parenting skills and child development courses
- 336.177 Encourage community service programs
- 339.312 Encouraged to form safe school alliances
- 343.407 Shall identify all eligible TAG students
- 343.507 Shall have a local early intervention advisory council

- ***Should only be required where these fit with standards for specific grade levels and subjects***

- 336.023 May observe History of Oregon Statehood Week (week of May 2)
- 336.025 Shall observe Women in History Week (2<sup>nd</sup> week in March)
- 336.035 May provide classes on sexually transmitted disease Part of Health curriculum
- 336.057 Shall provide instruction in the Constitution of the United States (8-12 grades)
- 336.116 May provide instruction on the Irish Famine
- 339.040 Shall have an attendance supervisor

339.875 Shall obtain and display U.S. flag and provide opportunity for students to salute each week

- ***May be important but should be integrated with other curriculum***

336.015 Shall have Arbor Week (1<sup>st</sup> full week in April)

336.667 Shall provide instruction in ethics and morality

336.071 Shall have emergency drills and instruction in fires, earthquakes, tsunamis

336.088 ODE shall prepare and make available a comprehensive program affecting curriculum to:

- Improve dispute and conflict resolution skills and encourage creative problem solving
- Provide understanding of other cultures and the nature of conflict between cultures
- Communicate insight into how attitudes are formed and decisions made
- Present to students a balanced discussion of the history of the arms race; the short intermediate and long-term dangers of the use of modern weapons of mass destruction; the changing nature of armed conflict; and the effect of the arms race on national and local economies.

336.109 Encourage policy to reduce gang involvement, violent activities and drug abuse

336.113 Encourage multi-cultural education and advisory committees

336.181 Encourage character development

336.222 Shall adopt comprehensive alcohol and drug abuse policy and implementation plan

336.580 Shall provide education to children in youth care centers located in district

336.585 Shall provide education to children in detention facilities located in district

336.680 Shall provide programs for pregnant and parenting students

339.115 Shall provide program for individuals 18 to 21 who are incarcerated who have been on IEPs

339.129 Shall provide program for children in local or regional correctional facility

339.865 Shall not permit individual to have tobacco products in school facility

339.869 Shall have policy and procedures to administer prescriptive drugs

342.169 Shall have percentage of staff (ODE says how many) hold a first aid card

342.700 Shall post sexual harassment policy (not smaller than 8.5x11 inches) in all schools

342.704 Shall adopt policy on sexual harassment

- **Other State Mandates**

There are a plethora of other state mandates. One of those that has a significant fiscal consequences and takes money that would otherwise be available for academic programs, is:

*Fees Paid to other Government Entities* – Population growth in Oregon exceeded the national average in the period 1980-2000. The influx is not confined to the state's

three largest cities, as central, eastern and southern Oregon develop their own significant population centers. While schools cannot charge a service development fee on new construction they are subject to paying for permits and licenses as well as service charges to other governmental entities when they expand, improve or build new buildings. Other government entities can and do impose system development fees.

- **Federal Mandates**

There are a number of mandates that come from the federal government. The Joint Panel has no recommendations to make on these but does want to make note of a few so the reader of this report has some knowledge of the breadth of requirements with which districts must cope.

- **Federal law on special education** describes procedural safeguards to ensure that children with disabilities are able to receive a free appropriate public education (FAPE). Procedures include an opportunity to present a complaint, an impartial due process hearing on the complaint, the decision of which may be appealed, and the right to file a civil action. Children eligible for special education programs have particular, sometimes complicated, service needs. Schools are required to assess the child and prepare a written IEP prior to special education being provided to a student. The plan is to be implemented following meetings with the child's teacher, a school district representative, one or both of the child's parents, someone familiar with the evaluation procedures and the uses of results, the child if appropriate, at least one classroom teacher and others the parent or district deem appropriate. Districts must make every effort to include the parent(s) in the meetings, but meetings may take place without the parent if the district is unable to convince the parent to attend. In these circumstances, the district must have carefully documented the efforts to involve the parent. Oregon law requires school districts to provide educational services to its students who have been placed in private residential school and treatment centers. **Federal special education extends down to 0-5 year olds.** Children with disabilities at birth to five, prior to regular school age attendance, in order to benefit from schooling at school age, must be served by their local school district.
- Federal law requires school districts to **develop, in consultation with appropriate providers, plans for meeting the service needs of students when they leave the school system.** Once the student has left the school's jurisdiction, however, there is no mandate on providers to accommodate the individual in their programs.
- **The Americans With Disabilities Act** provides guidance to public and private employers, institutions and service providers on how to open opportunities to a significant portion of America's population. Buildings, programs and services must be accessible to all students, parents and community members. Physical accommodations are required for all facilities.

- Two elements of federal law affect the issues relating to **asbestos abatement in schools**. One deals with inspections, asbestos management, and maintenance plans to be submitted to the Oregon Department of Education. The other falls under a program of the Clean Air Act, in which the Oregon Department of Environmental Quality tracks and inspects asbestos abatement projects to assure safe practices. This includes the licensing of contractors; accreditation of training providers and certification of workers qualified to do work in schools. DEQ is authorized generally to issue permits for activities associated with programs it administers, and determines type, duration and fees.
- **Federal OSHA regulations are intended to limit occupational exposure to blood and other potentially infectious materials** and the resultant transmission of blood-borne pathogens. The law **covers all employees** who could be *reasonably anticipated* to face contact with blood and other potentially infectious materials as the *result of performing their job duties* (emphasis added). Hepatitis-B vaccinations must be offered to an employee without cost to the employee; they are not required. Without clarifying "reasonably anticipated" the law leaves to the employer the task of determining which employees may actually be at risk. Uncertainty and concerns about liability may cause employees to be subjected unnecessarily to the expensive and painful series of vaccinations against hepatitis-B. **Students enrolled in work-study programs** were included as covered workers under workers' compensation reform enacted in 1990. The Oregon Occupational Safety and Health Division has interpreted this applicability to extend to students as "employees" for purposes of administering the federal blood-borne pathogen program. The effects would be particularly noticed in the health occupations programs in high schools and community colleges. Federal occupational safety and health regulations impose mandates on employers to identify employees who may be reasonably anticipated to be at risk of exposure to blood or other body fluids. An issue secondary to defining who those employees are relates to educating students and their families on the risks of blood-borne pathogens.

- **Local Mandates**

It has been said, "We cannot save you from yourself." There is a problem with local mandates. These are imposed by locally elected school boards, local parents, local civic groups, local businesses and are the product of political pressures which apparently cannot be resisted. Local requirements that take student or teacher time from the school day are no less troublesome. Most have lofty purposes. Almost all are *good* things. But there are a lot of them. And they do not all relate directly to the mission of the schools relating to state standards. Some could be folded into existing curriculum. But all have the potential to be "time robbers." The Joint Panel has listed only some. [It took about five minutes.] They are: poster contests, spelling/geography/science bees (regional and national), SMART, DARE, STARS, OSSOM, anything-a-thons, athletic events (away time for players, dance teams, rally squads, rooters), surveys (county health, council for children, higher ed research students, etc.), Eddie Eagle, survival classes, swimming safety, pet care, boating safety, Fire Busters, bicycle safety, field trips, pursuit of grants, community mentors,

hot air balloons (landing in the playground and doing tours), Monty Montana, Trucker Buddies, public library summer program (promotionals), Youth in Government, Future Business Leaders, son/daughter-at-parents-work day.

Imagine you are a school principal or classroom teacher. All of these and more are requests that one building might deal with in a year. How much time is that?

### ***3. Prototype Schools in Brief***

The Joint Panel believes the research and practice experience of educators supports the following assumptions as having a direct positive effect on student achievement outcomes:

#### Elementary School

- All-day kindergarten
- 20:1 class size ratio
- Specialists for areas such as art, music, P.E., reading, math, TAG, media/librarian, second language or counseling
- On-site instructional improvement
- Curriculum development and technology support
- Added time for students having trouble reaching standards
- Professional development time and resources for teachers, administrators and support staff focused on skills to enable students to reach standards
- Assistance with record keeping required for CIM standards
- Adequate classroom supplies for teachers and students
- Adequate funds for building maintenance (so instructional funds won't be diverted for facility upkeep)

#### Middle School

- 29:1 class size maximum in core academic courses
- 1.5 extra teachers to provide additional support to students in math, English, science
- Added time for students having trouble reaching standards
- One counselor for every 250 students
- Professional development time and resources for teachers, administrators and support staff focused on skills to enable students to reach standards
- Assistance with record keeping required for CIM standards
- Adequate classroom supplies for teachers and students
- On-site instructional improvement
- Curriculum development and technology support
- Volunteer coordinator and community outreach worker

- Adequate campus security
- Alternative programs for special need students
- Adequate funds for building maintenance (so instructional funds won't be diverted for facility upkeep)

### High School

- 29:1 class size maximum in core academic courses
- 3 extra teachers to provide additional support to students in math, English, science
- Added time for students having trouble reaching standards
- One counselor for every 250 students
- Volunteer coordinator and community outreach worker
- Professional development time and resources for teachers, administrators and support staff focused on skills to enable students to reach standards
- Assistance with record keeping required for CIM standards
- Adequate classroom supplies for teachers and students
- On-site instructional improvement
- Curriculum development and technology support
- School-to-work coordinator
- Adequate campus security
- Alternative programs for special need students
- Adequate funds for building maintenance (so instructional funds won't be diverted for facility upkeep)

## 7. Tying Model to Forecasts of Increased Performance

If we take 1998-1999 as a baseline year, we would forecast an expectation, if funded at the levels suggested in the model, of increased student performance over a three biennium time span as indicated on the example chart below. Work needs to be done with the Department of Education in developing the actual forecasting model. Conceptually, we would follow a class of students through their school experience. The graduating class of 2008 is represented by the 1998-99 baseline 3<sup>rd</sup> grade benchmarks. The baseline 5<sup>th</sup> grade is the graduating class of 2006. It is reasonable to expect that the students we have in Oregon schools under the Quality Education Funding Model are the students we expect to meet goals. The example chart shows how we would set goals for the class of 2008 and follow them through the next three biennia. We will expect more growth for them than those who have less time remaining in the system and have not benefited by the model in their early school years. The Joint Panel would like to work with the ODE on development of a three dimensional forecasting matrix that would capture scores, growth and time. We would like to show schools moving from low average scores to higher scores, from low average growth rates to higher growth rates and from baseline year markers to first, second and third biennium markers.

|                              |                | <b>Baseline<br/>1998-99</b> | <b>2001-03<br/>Biennium</b> | <b>2003-05<br/>Biennium</b> | <b>2005-07<br/>Biennium</b> |     |
|------------------------------|----------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----|
| <b>3<sup>rd</sup> Grade</b>  | <b>Reading</b> | Ave. Low Decile             | 58%                         | 65%                         |                             |     |
|                              |                | Overall Average             | 81%                         | 90%                         |                             |     |
|                              |                | Ave. High Decile            | 99%                         | 99%                         |                             |     |
|                              | <b>Math</b>    | Ave. Low Decile             | 40%                         | 55%                         |                             |     |
|                              |                | Overall Average             | 70%                         | 90%                         |                             |     |
|                              |                | Ave. High Decile            | 95%                         | 97%                         |                             |     |
| <b>5<sup>th</sup> Grade</b>  | <b>Reading</b> | Ave. Low Decile             | 41%                         | 68%                         |                             |     |
|                              |                | Overall Average             | 69%                         | 85%                         |                             |     |
|                              |                | Ave. High Decile            | 93%                         | 99%                         |                             |     |
|                              | <b>Math</b>    | Ave. Low Decile             | 35%                         | 55%                         |                             |     |
|                              |                | Overall Average             | 66%                         | 80%                         |                             |     |
|                              |                | Ave. High Decile            | 92%                         | 97%                         |                             |     |
| <b>8<sup>th</sup> Grade</b>  | <b>Reading</b> | Ave. Low Decile             | 28                          | 50%                         | 72%                         |     |
|                              |                | Overall Average             | 56                          | 75%                         | 90%                         |     |
|                              |                | Ave. High Decile            | 80                          | 95%                         | 99%                         |     |
|                              | <b>Math</b>    | Ave. Low Decile             | 22%                         | 45%                         | 65%                         |     |
|                              |                | Overall Average             | 525                         | 75%                         | 85%                         |     |
|                              |                | Ave. High Decile            | 80%                         | 94%                         | 98%                         |     |
| <b>10<sup>th</sup> Grade</b> | <b>Reading</b> | Ave. Low Decile             | 21%                         | 38%                         | 60%                         | 78% |
|                              |                | Overall Average             | 525                         | 67%                         | 82%                         | 90% |
|                              |                | Ave. High Decile            | 72%                         | 85%                         | 97%                         | 99% |
|                              | <b>Math</b>    | Ave. Low Decile             | 5%                          | 35%                         | 55%                         | 72% |
|                              |                | Overall Average             | 36%                         | 65%                         | 82%                         | 90% |
|                              |                | Ave. High Decile            | 58%                         | 85%                         | 96%                         | 99% |

## 8. Implementation Options

The Joint Panel would like to offer three implementation options.

Obviously, the first option is for full implementation. Anything short of full implementation should bring an expectation of something short of full results in student performance growth. There will be proportionately less growth with proportionately less resources. Nonetheless, the Joint Panel does suggest two fall-back positions from full implementation.

Time is the main premium in education of students. With that in mind we suggest the order of importance for implementation is all day kindergarten, 20:1 class size, ESL staffing improvement, focused staff training, and adequate materials. Option two is implementation of those elements that focus on these priorities in each prototype.

Finally, the Joint Panel sees a last option as one which implements the “priority goals” of the Education Leadership Team. Those goals are to be finalized this month. They now appear to be focus on reading as the gateway to learning, maintaining and increasing teaching and administration quality, connections for student success and accountability for results. They have four workgroups filling in the implementation elements for these goals.

