

# Oregon's "Equitable Graduation" Report

Oregon Association of Scholars Report #5  
September 2023



OREGON  
ASSOCIATION  
of SCHOLARS

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# Introduction

**I**n 2021, Oregon’s then-governor, Kate Brown, signed into law Senate Bill 744, relating to high school diploma requirements. The Democrat-sponsored bill passed along partisan lines: 38–18 in the House and 16–13 in the Senate. The bill suspended all current essential skills requirements to achieve a high school diploma until the 2024–25 school year pending a thorough review.

While the governor initially suspended essential skills for graduation due to the COVID-19 pandemic, the shift to permanent changes arose from a new moral imperative among some Democrats to achieve what they call “equity, accessibility and inclusivity,” per an op-ed written by Democratic State Senator Michael Dembrow and then-State Representative Teresa Alonso Leon. The changes, they wrote, aimed to “prioritize educational justice,” a term that centers attention on the relative performance of different student groups rather than on the overall performance of the school system.

The new requirements beginning in the 2024–25 school year would be recommended by an Oregon Department of Education (ODE) report that reviews the “causes of disparities” in the attainment of high school diplomas in the state. The new diploma requirements would, accordingly, “reduce disparities.” The changes would “ensure that every student will be on track to earn one of the high school diplomas offered in this state.”

In formulating its recommendations, ODE was ordered to make use of both “data” and an “engagement process” of gathering testimony from different stakeholders in Oregon.

In September 2022, ODE issued its final report under the bill, entitled *Community-Informed Recommendations for Equitable Graduation Outcomes*.<sup>1</sup> The report covered each of the four components requested by SB 744:

- Review of current diploma requirements and comparison with other states

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<sup>1</sup> Oregon Department of Education, *Community-Informed Recommendations for Equitable Graduation Outcomes: Senate Bill 744 Report*, September 1, 2022, <https://www.oregon.gov/ode/rules-and-policies/Documents/SB744%20Report%20Final.pdf>.

- Summary of engagement process with teachers, communities, and more
- Graduation and assessment data review and analysis
- Recommendations for changes to requirements and laws

This joint report from the Oregon Association of Scholars and Save Oregon Schools examines the assumptions and the directives contained in SB 744, as well as the use of research and analysis in the ODE report *Community-Informed Recommendations for Equitable Graduation Outcomes*. The purpose of this report is to reconsider whether there is a scientific basis for the various claims contained in these documents.

We find that the assumptions of SB 744 are flawed and that the ODE report is even more flawed. ODE violated the terms of the bill in writing its report. It misused and misunderstood various research findings; it ignored widely available evidence that points to conclusions different from those it reached; it engaged in plagiarism and Google-search research; and it made racist attacks on the people and students of Oregon. In short, this report finds that ODE has violated its mission to provide an objective report as required under SB 744. Implications and recommendations follow.

# SB 744's Misdiagnosis of Oregon's Public Education Crisis

**W**ithout explanation, SB 744 made sweeping assertions about the causes of differential educational attainment across student groups in the state of Oregon. Rather than direct the ODE to examine possible explanations for these differences, the law asserts, using the passive voice, that these differences are a result of factors external to the groups themselves.

While the bill identifies English-language learners and disabled learners as groups who underperform in statewide assessments, the main focus of the legislation and the ensuing report is race. Race will also be the focus of this report.

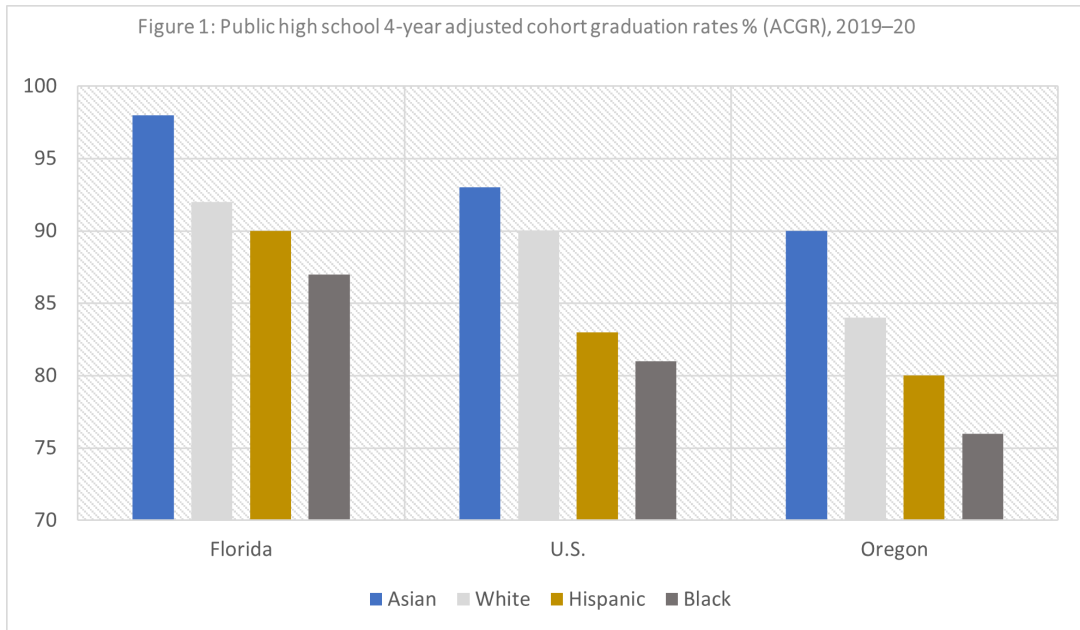
SB 744 is flawed because it asserts that both diploma requirements and school operations are inherently racist and discriminatory—with no evidence. It directs ODE to identify “the causes of disparities that have resulted from the requirements.” It reinforces this bias by describing “racial or ethnic groups that have historically experienced academic disparities.” This biased language ignores the much more likely explanation (as discussed below) that disparities in educational attainment in Oregon have nothing to do with state diploma requirements and everything to do with variations in cultural and social norms within groups that lead to similar differences in states throughout the country.

An odd implication of the bill is that the above-average academic attainment of Asian students in Oregon is not an admirable result of the well-documented, pro-educational cultural norms, family values, and individual choices of Asian students, which remain powerful explanations even after socioeconomic differences are removed.<sup>2</sup> SB 744 appears to suggest that Asian students' success in Oregon is a result of hidden, pro-Asian biases and privileges in Oregon diploma requirements

<sup>2</sup> Amy Hsin and Yu Xie, “Explaining Asian Americans' Academic Advantage Over Whites,” *Proceedings of the National Academy of Sciences* 111, no. 23 (June 10, 2014): 8416–8421, doi:10.1073/pnas.1406402111; Airan Liu and Yu Xie, “Why Do Asian Americans Academically Outperform Whites? – The Cultural Explanation Revisited,” *Social Science Research* 58 (July 2016): 210–226, doi:10.1016/j.ssresearch.2016.03.004.

and school operations. Asian students in Oregon, on this view, have not worked hard and achieved results but, rather, have disproportionately and unjustly benefitted from a biased, racist system as they “experienced” academic excellence.

If this were true, one would be hard-pressed to explain why the same variations in group academic performance are found in every state. Across the U.S., the four main racial/ethnic groups have remarkably consistent educational achievements, ranking from Asian to white to Hispanic to black (see Figure 1 and Figure 2).

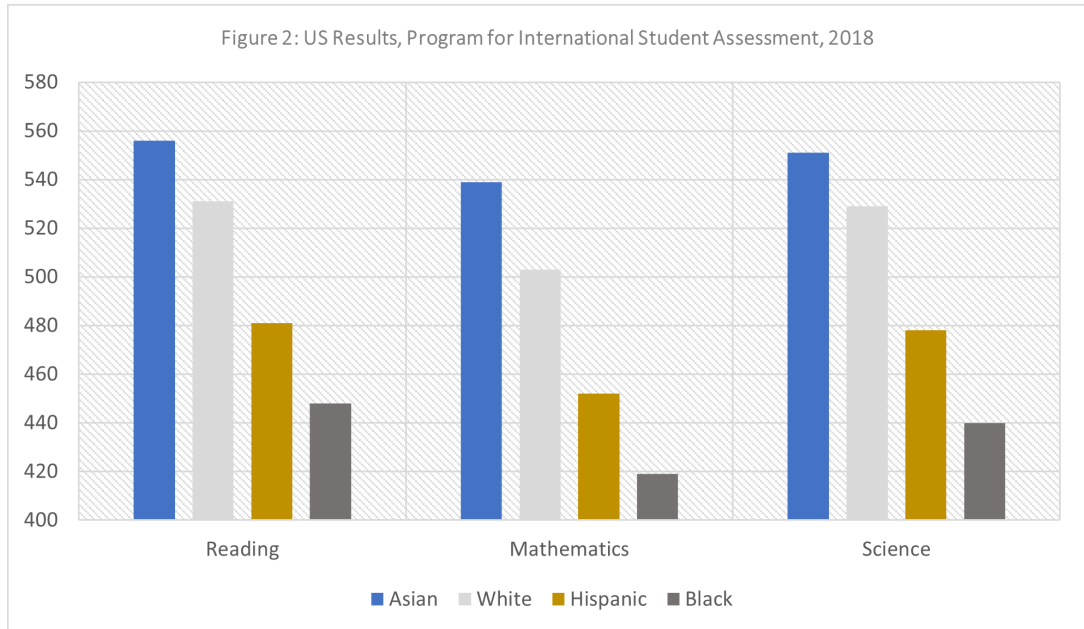


Source: U.S. Department of Education. Common Core of Data. Institute of Education Sciences, National Center for Education Statistics. Available at [https://nces.ed.gov/ccd/tables/ACGR\\_RE\\_and\\_characteristics\\_2019-20.asp](https://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2019-20.asp).

A second issue avoided by SB 744 is evident in Figure 1. States vary widely in overall educational attainment, not in relative racial performance. Southern states like Florida, Mississippi, and Alabama have far better educational outcomes for all groups than laggards like Oregon, California, and Washington. While the sponsors of SB 744 avow a commitment to “educational justice,” they have nothing to say about educational excellence—the most universal form of justice.

ODE admits in its report that “each of these Oregon trends in graduation rates are mirrored in national U.S. data.” But it ignores this fact throughout. Thus, SB 744 reflects a misunderstanding of the difference between external, system effects and internal, cultural effects. The system effects that have shaped Oregon are universal: an educational system that has abandoned rigor and excellence in favor of various social justice agendas. All Oregon students have “experienced” academic disparities

compared to students in other states. That is why Oregonians of all races have been pulling their children out of the public school system at an alarming rate since 2010, leading to 83,000 school-aged (5 to 17) children in the state who are not in the public school system.<sup>3</sup>



Source: Highlights of U.S. PISA 2018 Results Report (NCES 2020-166 and 2020-072). U.S. Department of Education. Institute of Education Sciences, National Center for Education Statistics. Available at <https://nces.ed.gov/surveys/pisa/pisa2018/index.asp>.

Notably, if Oregon's educational establishment were to pursue levels of excellence as seen in states like Florida, then black and Hispanic students in the state would experience gains in graduation rates of ten percentage points or more, greater than the present shortfalls in their academic attainment relative to white students. Yet, rather than seize the opportunity for such absolute gains for all, SB 744 and ODE are singularly focused on a bizarre and culturally ignorant attempt to eliminate relative group differences at whatever cost.

This misdiagnosis is noted by many participants in the outreach report from Oregon's Kitchen Table, the organization ODE contracted with to manage statewide engagement. They note that the differences in academic attainment across groups cannot simply be reduced to racist diploma requirements or school operations: "It is important to acknowledge that inequities in educational outcomes are caused by

<sup>3</sup> Oregon Association of Scholars, "Reject Charlene Williams for Director of Oregon's Department of Education," Issue Brief #11, July 2023, <https://oregonscholars.org/wp-content/uploads/Issue-Brief-11.pdf>.

many factors beyond high school graduation requirements themselves," notes one participant quoted in the report.

Nonetheless, in its quest for "educational justice," SB 744 envisages a set of recommendations from ODE that will magically sweep away these enduring variations. This would only make sense if the bill's supporters intended to address recurrent social and cultural factors within underperforming groups (particularly Hispanics and blacks), even after accounting for socioeconomic differences. But the authors of SB 744 and ODE's report have turned a blind eye to such avenues of "educational justice."



# ODE's Violation of SB 744's Political Neutrality Requirements

**T**he Oregon Department of Education is an agency of the state that serves all Oregonians. As such, it is required to strictly implement legislative and executive mandates as written, not to go beyond them, and to do so in an objective manner. It must also act in a way consistent with its legal status as a state agency, which means it cannot take a position *as an agency* in favor of any party, candidate, faction, or interest group.

In formulating its internal implementation plan to produce the report envisaged by SB 744, ODE took a number of substantive and unnecessary positions. These were not contained in SB 744, and they drove the report in the direction of a pre-set conclusion. Most notably, the “equity levers” used by the public engagement team in the ODE workplan included an earlier ODE public engagement document on school safety that asked: “What does it mean from a systems perspective that the education system is built on white supremacy?”

SB 744 makes no mention of “white supremacy,” nor does it assert that such a phantom force is the foundation of Oregon’s education system. SB 744 does not instruct ODE to adopt any particular ideology or theory of education in pursuing its work. It does not require ODE to work from the assumption that “the education system is built on white supremacy.” It certainly does not demand that ODE use such a flagrant example of “critical race theory” (CRT), which asserts that differences in racial/ethnic outcomes are primarily a result of white racism, both at the individual level and at the system level. The bill does not authorize ODE to adopt a framework that treats some racial/ethnic groups as inherently inferior or superior to others. Thus, there is no basis for ODE to use this as its guiding framework.

As the ODE plan shows, the department also imposed on its work a series of “equity levers” grounded in CRT (see Figure 3). This concept is from the article “How to

Be an Antiracist Educator” by Dena Simmons, a self-described “activist.” These “equity levers” taint ODE’s entire process by substituting CRT principles for objective, unbiased, and ideology-free analysis.

It is especially troubling to see that ODE began its work by explicitly directing hate, disparagement, and belittlement at Oregon’s white population and students. This approach was a civil rights violation against white Oregonians and ensured that its ensuing report would be biased and unscientific, not to mention illegal.

**Figure 3: ODE’s Workplan for SB 744**

**Senate Bill 744 Implementation Teams**

Team	Role	Equity Levers <i>Name a targeted focus or targeted actions for improvement</i>	Proposed Staff	Proposed Lead(s)
<b>Core Team</b>	Coordinate all implementation groups, activities, and timelines.	Focus on and internalize these questions into our work and discussion: <ul style="list-style-type: none"> <li>• How does your identity provide or prevent access to necessary resources?</li> <li>• How does your power and privilege show up in your work with students, take up space, or silence others?</li> <li>• What single narratives are you telling yourself about students, and how does that affect grading, behavior management, and other interactions?</li> <li>• Do you and the academic materials you use uphold whiteness or <u>lift up</u> the voices and experiences of people of color? (Dena Simmons, 2021)</li> </ul>	Jennifer Patterson, Tenneal Wetherell, Cristen McLean, Jennell Ives, Eric Wells, Sally Simich, and Elizabeth Jankowski	Dan Farley
<b>Research Team</b>	Summarize Oregon’s graduation policy and practice history, review other state practices, conduct graduation policy and research literature synthesis, and combine all reviews into top considerations to drive the recommendations in the final report.	Criteria used for selection of top considerations must address and mitigate impact on students whom education systems have not yet been designed to serve.	Jennell Ives, Liz Ross, Cristen McLean, Eric Wells, <i>TBD from Accountability</i>	Jennell Ives
<b>Engagement Team</b>	Develop transparent, inclusive, and respectful engagement process, plan, timeline, and data collection process and complete education and communication partner engagements defined within the plan. <ul style="list-style-type: none"> <li>• Oregon Tribes</li> <li>• District partners (including charters)</li> <li>• Charter Schools</li> </ul>	The engagement process will proceed according to the connection expectations defined by each partner. The word “we” will signify not simply participation by dominant, white perspectives, but an inclusive group that centers those who have been most harmed and disenfranchised by historical graduation procedures.	Jennifer Patterson, Dan Farley, Cristen McLean, Jennell Ives, Eric Wells, Sally Simich, and Elizabeth Jankowski  <i>OIE, OEII staff, &amp; Other?</i>  <i>Former Superintendents</i>	Tenneal Wetherell

# ODE's Violation of SB 744's Requirement to Consult with All Oregonians

**S**B 744 explicitly directed ODE to consult with three categories of people: “historically underserved students” or their representatives; “youth-led organizations”; and “communities from across this state.” The bill does not rank these categories in importance, nor does it specify that “communities from across the state” excludes any groups. The obvious intent of the legislation was to encourage a broad survey of the views and experiences of all Oregonians.

The contractor for the project, Oregon's Kitchen Table (OKT) at Portland State University, consulted widely in accordance with SB 744. The OKT report shows that the demographics, geographical locations, and roles of the participants reflect a wide variety of community voices. Black students are overrepresented by a factor of two (4% of respondents, compared to less than 2% of students), while Native American students are overrepresented by a factor of four (4% of respondents, compared to less than 1% of students). But in other respects, the consultations were broadly representative of the people of Oregon.

Despite this, ODE selectively drew from the community engagement report based on its “equity levers,” which are rooted in CRT principles. While the Portland area is overrepresented in the OKT sample, the ODE report notes that “does not undermine trust in the process, as those counties also include higher relative percentages of families of color whom the engagement process intentionally centered.” But SB 744 says nothing about “centering” any groups at the expense of others. It says nothing about which groups are central and which are peripheral. It merely lists a variety of groups, while insisting that the process include many different voices.

Moreover, ODE not only imposed a ranking and hierarchy on the legislation but also unilaterally added to its consultations groups that are not mentioned in the legislation. These included “Lesbian, Gay, Bisexual, Transgender, Queer,

2 Spirit, Intersex, Asexual, plus other non-heterosexual orientations or genders (LGBTQ2SIA+)." There is no mention of such groups in SB 744, nor is there any reason to believe that they are "historically underserved in relation to graduation requirements and diploma options." It is a pure ideological imposition of ODE to give these groups special weight in its deliberations. There is more obvious justification, for example, to give special weight to the concerns of white working-class and rural students in remote counties.

Thus, even before writing a word of its report, ODE violated its legislative mandate and abused its administrative prerogatives.

# ODE's Sloppy Research Methods and Plagiarism

ODE promises in its report that it has followed a purely scientific process of gathering data and research on various aspects of the questions at hand. Some team members analyzed the “data available to speak to [sic] important questions,” while other members created “a synthesis of the data review [sic].”

However, there is no publicly available information on how the team selected and handled data and research. In other words, ODE has done nothing to prove that it engaged in a scientific process of data selection and analysis. This is unsurprising since ODE has pre-committed to CRT ideology and to findings that accord with CRT principles. Under such work, data is selected that accords with CRT premises, and conclusions are written within the ideological frame of CRT. This makes ODE's claims of “analyzing data” or having engaged in anything remotely akin to a research project empty.

In addition, ODE experts produced a report filled with shoddy, copy-and-paste research claims, apparently based on nothing more than Google searches. While many of the Internet-based sources used in the report are simply the web pages of authoritative governmental, intergovernmental, or educational research bodies, many others are private and unverified sources (the sort that middle school and high school students are taught to avoid).

For instance, in discussing the “portrait of a graduate” that some school systems develop, the report cites as evidence a marketing article by a vendor for a company that sells software to produce graduate portraits. Not surprisingly, the marketing article insists that if portraits are done by the schools without expensive software, they may not “accurately portray the needs of the community.”<sup>4</sup>

The use of Google seems to have been the primary survey method of the ODE researchers. While extensive information on comparative high school diploma requirements is available directly from the Internet, much of the most important

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4 Angela Duffy, “Portrait of a Graduate: 5 Things to Keep in Mind,” *Getting Smart*, July 4, 2019, <https://www.gettingsmart.com/2019/07/04/portrait-of-a-graduate-5-things-to-keep-in-mind/>

comparative work is not. ODE has full access to proprietary research through the State Library of Oregon as well as the state's major research universities.

The report has a long section on high school civics requirements both in Oregon and in the U.S. as a whole. There is a large body of authoritative and descriptively valid summary research on this question that may be found in scholarly journals such as the *Peabody Journal of Education*.<sup>5</sup> But the ODE report cites an online op-ed from the American Bar Association as its main source of information. This goes well beyond sloppy research—it is an example of ODE purposely ignoring reputable sources of information in favor of questionable or fraudulent sources that align with its pre-determined conclusions.

Finally, in addition to numerous spelling errors, we have documented at least three instances in which ODE plagiarizes copyrighted material in its report (see Figure 4).

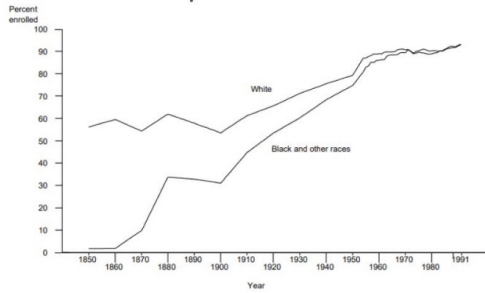
**Figure 4: Three Instances of Plagiarism in the ODE Report**

ODE Report	Plagiarized and Mis-Cited Original
<p>They were better prepared to succeed in college, career, and life, earned more credits in high school, were less likely to drop out and more likely to graduate on time, had greater confidence in their life and career skills, and reported experiencing more rigorous, integrated, and relevant instruction.</p> <p>ODE Report, p. 36 (No quotation marks and incorrectly citing Almond et al., 2017.)</p>	<p>They were better prepared to succeed in college, career, and life; earned more credits in high school; were less likely to drop out and more likely to graduate on time; had greater confidence in their life and career skills; and reported experiencing more rigorous, integrated, and relevant instruction.</p> <p>From Hoachlander and Learning Policy Institute, p. vi.6</p>
<p>National research has found that there are no differences in the frequency of disruptive behaviors across demographic groups, yet, "African American students, low-income students, and students attending high-poverty urban schools are more likely to be referred to school officials, suspended, or expelled.</p> <p>ODE Report, p. 86 (Hanging quotation mark in original and incorrectly citing Skiba et al., 2002)</p>	<p>...[r]esearchers have found that there are not differences in the frequency of disruptive behaviors across demographic groups, African American students, low-income students, and students attending high-poverty urban schools are more likely to be referred to school officials, suspended, or expelled.</p> <p>From McDermott et al., p. 271.7</p>

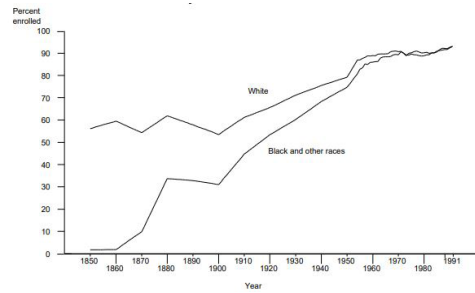
5 Jerry Wilson, James Sadler, Noah Cohen-Vogel, and Connor Willis, "An Examination of Changes to State Civic Education Requirements, 2004–2016," *Peabody Journal of Education* 94, no. 1 (2019): 48–62, doi:10.1080/0161956X.2018.1553579.

6 Gary Hoachlander and Learning Policy Institute, *Building a System of College and Career Pathways in New Mexico*, February 19, 2021, <https://learningpolicyinstitute.org/product/new-mexico-college-career-pathways-report>.

7 Elana McDermott, Alice Donlan, and Jonathan Zaff, "Why Do Students Drop Out? Turning Points and Long-Term Experiences," *Journal of Educational Research* 112, no. 2 (2019): 270–282, doi:10.1080/00220671.2018.1517296.



ODE Report, p. 83 (Citing Historical Statistics of the United States, Series P-20, School Enrollment)



From Thomas D. Snyder, *120 Years of American Education: A Statistical Portrait* (1993), p. 6.8

We return below to the substantive errors and misrepresentations that this plagiarized and miscited material contains, but at the most basic level, it is a gross dereliction for the state's education department—while writing a report on high school essential skills—to have failed to practice some of the most basic high school writing skills imaginable: follow a scientific research strategy, use reputable sources, proofread your paper, and do your own work.

This is even more concerning given that the main recommendation of the report is to pursue further “research” on “specific graduation requirements across multiple pathways toward a single Oregon Diploma.” In other words, ODE would like Oregonians to fund more “research” like that which it provided in this report.

8 Thomas Snyder and National Center for Education Statistics, *120 Years of American Education: A Statistical Portrait*, U.S. Department of Education, 1993, <https://nces.ed.gov/pubs93/93442.pdf>.

# ODE's Racist Claim That Graduation Requirements Are "White"

ODE was, to some extent, bound by the unfounded assertion in SB 744 that high school graduation requirements themselves are a main cause of differential graduation rates in Oregon. Still, given its remit to study the issue, ODE should have begun with the null hypothesis and worked outward to arrive at scientifically valid findings. But ODE was just as invested in this fallacious claim as were the authors and proponents of SB 744. It begins the report with the fateful assertion that "exclusion and inequity have been present from the start - our schools were not designed to welcome, include, and serve all students." It adds the explicitly racist, hateful claim that "the process used to generate Oregon's graduation requirements" was "centered in white dominant cultural values."

ODE then quotes a single, anonymous school counselor, who blames differences in academic achievement across groups on "systemic approaches favoring white supremacy, middle class values, lack of access to supports/resources." No evidence is provided to support this claim. It is merely one person's opinion. ODE itself chimes in, writing that "while the broader problem racism poses to educational access is much larger than graduation requirements, several graduation requirements are likely implicated in this disparity."

In other words, the main "research" that ODE conducted was to insert a series of unsubstantiated claims that graduation requirements are racist, quoting itself and unnamed sources to "validate" its findings.

In the rare instances where the ODE report cites evidence, its chosen sources are in every case mistaken and misused. For instance, it asserts: "Research shows that racism is 'fundamental to racial disparities in educational attainment.'" But the cited research supports no such claim. It merely describes the different educational attainment of three different racial groups (white, black, and Hispanic) and asserts



(without any evidence) that racism is the cause of those differences.<sup>9</sup> Moreover, the cited research notably and inexplicably excludes (erases) from its analysis all Asian students and others who do not identify as white, black, or Hispanic—students who constitute over one third of the dataset. Put another way, ODE substantiates its “findings” that racism is fundamental to racial differences in educational attainment by citing a report that merely makes the same assertion and that erases Asian students and others who do not fit into the narrative.

In another instance of research malpractice, ODE claims that “long-term historical disparities” in the education system are “a significant factor” that affects graduation outcomes. It cites a 1993 report by the National Center for Education Statistics—another example of ODE hanging a very large claim on research that is thirty years old.<sup>10</sup> But the cited report says nothing about the causes of different graduation rates. It shows only that black enrollment rates had reached near-parity with white enrollment rates by 1950 and began to exceed them in some years by 1970. In other words, according to the data cited, today’s black high school aged students are two to three generations removed from an era when black students were not enrolled in the education system at roughly the same rates as other students. On what basis does ODE claim that those long-ago differences are “a significant factor” in today’s black underperformance?

The plagiarized graphic used to substantiate this claim is based on data that has been revised and corrected since 1993. If ODE had bothered to do its work, it would have consulted the updated U.S. Census Bureau series on school enrollment by race, issued in 2022, which provided a more detailed racial breakdown from 1972 onward.<sup>11</sup> This updated data shows that the main challenge since 1972 has not been racial disparities in enrollment but a decline in enrollment for all groups since 1997, which reflects rising drop-out rates and homeschooling rates (see Figure 5).

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9 David Merolla, “Completing the Educational Career: High School Graduation, Four-year College Enrollment, and Bachelor’s Degree Completion among Black, Hispanic, and White Students,” *Sociology of Race and Ethnicity* 4, no. 2 (2017): 281–297, doi:10.1177/2332649217727552.

10 Snyder, *120 Years of American Education: A Statistical Portrait*.

11 U.S. Census Bureau, *CPS Historical Time Series Tables on School Enrollment*, various, December 20, 2022, <https://www.census.gov/data/tables/time-series/demo/school-enrollment/cps-historical-time-series.html>.

# ODE's Unfair Attack on Hard-Working Oregon Teachers

**S**B 744 states, without concrete evidence, that graduation requirements cause differences in academic achievement. However, it appropriately asks ODE to investigate “whether the requirements for high school diplomas in this state have been applied inequitably to different student populations.” Instead of conducting an objective root cause analysis, ODE appears to have been more invested in claims of systemic and pervasive racism. Without evidence, it asserts that “the requirements for Oregon high school diplomas have been applied inequitably to different student populations.”

Again, the citations for this claim include anonymous and random quotations from the community consultation exercise and misunderstood or biased research. ODE makes frequent reference to “experiences of systemic bias, limited access to adequate educational resources and educational guidance, and support from practitioners, such as school counselors and teachers.” But it provides no data or research in support of these claims.

At one point, ODE intimates that teachers' biases may have influenced their grading: “Because ODE does not have capacity to implement a monitoring system to help ensure that those work samples are being scored reliably, they may be a source of educator biases.” ODE's suggestions that Oregon teachers are closet racists who come to school every day to oppress certain student groups are both ridiculous and demeaning.

# ODE's Misrepresentation of Key Research on the Discipline of Black Students

The first instance of plagiarism cited above is also substantively misleading about the reasons why black students are more likely than others to be disciplined for behavioral infractions. The work wrongly cited in the plagiarized text is by Skiba and colleagues.<sup>12</sup> The Skiba study is nearly thirty years old. It was based on a sample of the disciplinary records of 11,001 students in nineteen middle schools in a mid-Western school district during the 1994–95 school year. Black students made up 56% of the enrollment, but they accounted for:

- 66% of all students referred for disciplinary violations,
- 69% of students suspended, and
- 81% of students expelled.

While ODE cites this study to substantiate its claim that black students face higher rates of discipline, the research said no such thing. “The analysis for race provided no evidence that the group with the higher rate of referrals (black students) were referred for a greater variety of offenses or more serious offenses.”<sup>13</sup> Instead, the main finding of the report was that white and black students were referred for different reasons. “White students were significantly more likely than black students to be referred to the office for *smoking, leaving without permission, vandalism, and obscene language*. Black students were more likely to be referred for *disrespect, excessive noise, threat, and loitering*.”<sup>14</sup>

It is beyond the scope of this report to summarize the enormous literature that has accumulated on this question since Skiba and colleagues, but we make three observations:

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12 Russell Skiba, Robert Michael, Abra Carroll Nardo, and Reece Peterson, “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment,” *The Urban Review* 34 (2002): 317–342, doi:10.1023/A:1021320817372.

13 *Ibid.*, 332.

14 *Ibid.*, 332.

1. Black students also tend to face more discipline for the violations cited by Skiba et al. in ultra-liberal states like California and ultra-liberal school districts like Portland, despite constant attempts in such states and districts to pretend that the problem is racist school administration.<sup>15</sup>
2. Black teachers are just as likely to suspend black students for such infractions.<sup>16</sup>
3. Black students *self-report* levels of classroom disruption involving black students at rates many times higher than they do classroom disruption involving white students. In the Institute of Education Sciences' *Report on Indicators of School Crime and Safety: 2021*, black high school students were two and a half times more likely to self-report being in a fight on school property in the previous twelve months than white students.<sup>17</sup> Given that, in general, the black population also commits crimes, especially violent crimes, at vastly higher rates than any other group, the assumption remains that black student discipline reflects behavior, not bias.<sup>18</sup>

It was a sad irony when, in October 2022, a month after ODE published its report, black students were involved in a drive-by shooting at Jefferson High School in Portland. Then, two months later, three black high school students in Portland were involved in a shooting that left one boy hospitalized and the school in lock-down. They had been disciplined for gang-related activity and were reassigned to Cleveland High School (under the sorts of ideological convictions that the ODE report reflects) rather disciplined again.

15 J. Luke Wood, Frank Harris III, Tyrone C. Howard, Mohamed Qas, Idara Essien, Tina M. King, and Valentin Escanuela, *Suspending Our Future: How Inequitable Disciplinary Practices Disenfranchise Black Kids in California's Public Schools*, February 17, 2021, <https://bmmcoalition.com/wp-content/uploads/2021/02/SuspendingOurFuture-6-1.pdf>.

16 Christina Samuels, "Yale Study Probes the Complexity of Bias in Preschool," *Education Week*, September 28, 2016, <https://www.edweek.org/teaching-learning/yale-study-probes-the-complexity-of-bias-in-preschool/2016/09>.

17 Véronique Irwin, Ke Wang, Jiashan Cui, and Alexandra Thompson, *Report on Indicators of School Crime and Safety: 2021*, Institute of Education Sciences, June 2022, <https://nces.ed.gov/pubs2022/2022092.pdf>, 15.

18 Heather Mac Donald, "Who Misbehaves?," *City Journal*, April 6, 2018, <https://www.city-journal.org/article/who-misbehaves>.

# ODE's Erroneous Citation of Research on Student Belonging

**I**n its report, ODE claims: “Student’s [sic.] sense of belonging at school can have a large impact on achievement.” As a result, the report insists that “[i]mproving high school graduation outcomes for students first involves ensuring that all students in Oregon feel a strong sense of belonging with their school, among their peers, from their educators, and in their communities.”

There is no evidence to support this claim. The ODE report claims that “a recent meta-study examined 82 separate studies of student belonging, and described a sense of belonging as a prerequisite to a successful high school experience.” This is false. To start, the article in question draws its conclusions from 67 studies, not 82, and found only 54 of them relevant to academic achievement outcomes. The correlation (closeness) in those 54 studies of student sense of belonging and school-graded academic achievement was very low, at  $r=0.18$ . In layman’s terms, student sense of belonging would correctly predict academic achievement only 5% of the time, even before adding other factors that may reduce its explanatory value further. This is, in effect, a rounding error because student academic achievement varies by this amount simply due to measurement error and random variation. Moreover, the study made clear that “conclusions about causality cannot be drawn” because the studies were all cross-sectional (same point in time) rather than longitudinal (cause first, effect second) or intensive (direct observation of cause and effect).<sup>19</sup>

There was an even weaker association between student sense of belonging and standardized test scores (a better measure of academic achievement). This suggests that the school-graded academic achievement often reflected teacher evaluations of a student’s sense of belonging—reverse causality. As the study notes, “a reciprocal

<sup>19</sup> Hanke Korpershoek, Esther Canrinus, Marjon Fokkens-Bruinsma, and Hester de Boer, “The relationships between school belonging and students’ motivational, social-emotional, behavioural, and academic outcomes in secondary education: a meta-analytic review,” *Research Papers in Education* 35, no 6 (2020): 641–680, doi:10.1080/02671522.2019.1615116.

relationship between school belonging and academic achievement is probable.” Whatever the exact magnitude and closeness of the relationship, **the study cited by ODE proves that student sense of belonging is mostly irrelevant to academic achievement.**

In addition to this unsubstantiated claim about student belonging, ODE falsely declares that “cultural identification” with the school environment was another “factor that can impact graduation rates.” This assertion, grounded in the ideology of “culturally relevant pedagogy”—which seeks to impose stereotypes onto students based on their race—is also false. ODE insists: “A recent study found that participation in a single ethnic studies course in 9th grade had an impact on student achievement. Students who participated in a 9th grade ethnic studies class had, on average, passed 6 more classes than [*sic*] the comparison group by their 4th year of high school, 90% of them graduated from high school, and they were 15% more likely to enroll in postsecondary education.”

The citation (incorrectly cited in the ODE report) is to the findings from a 2011–14 study on the San Francisco Unified School District.<sup>20</sup> But those findings tell us nothing about whether students who take culturally specific “ethnic studies” courses do better in general. First and foremost, it excludes white students, who are always excluded from such offerings. “Culturally relevant pedagogy” ideology insists that offering white students courses in European history and culture would be racist. Since white students accounted for 59% of Oregon public school students in 2022, the study is, by definition, inapplicable to a majority of Oregon students. Secondly, the non-white students given “ethnic studies” courses in the cited study were only those students who were deemed “at-risk,” that is, those who had an eighth-grade GPA below 2.0. This amounted to only 12% of the student body—in other words, the worst-performing 12% of all non-white students. The authors make this point explicitly to warn against the misuse of their study: “Because our research design leverages an assignment rule that encouraged academically at-risk students to take the ES [ethnic studies] course, our results do not necessarily speak to the impact of the ES course for students” above the 2.0 GPA level.

Thirdly, it is not clear that the “cultural content” of the courses had anything to do with their effects on student performance. They were all pilot courses that were intensively staffed and administered. The study described them as “an unusually intensive psychological intervention” that targets hands-on approaches “to students transitioning to a new school, and delivers them on a sustained year-long

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20 Sade Bonilla, Thomas Dee, and Emily Penner, “Ethnic Studies Increases Longer-Run Academic Engagement and Attainment,” *Proceedings of the National Academy of Sciences* 118, no 37 (September 7, 2021), doi:10.1073/pnas.2026386118.

basis.” The students could have been taking courses in astronomy with the same effects, which arose not from course content but from more attention from teachers.

Thus, when ODE asserts that students “need curricula, instruction, and assessment practices that honor them in ways they can see. They need staff members, educators, and administrators at their school who look like them and their family,” it is a falsehood with no evidence and much potential for harm.

# ODE's Demeaning Attempt to Create Dumbed-Down Education for Black and Hispanic Students

**T**he ODE report concludes with a summary of recommended changes in Appendix I. It recommends that Oregon replace the four current high school graduation options (Oregon Diploma, Modified Oregon Diploma, Extended Diploma, and Alternative Certificate) with a common Oregon Diploma that is “made accessible through flexible pathways.”

This is a remarkable conclusion because Oregon stakeholders repeatedly told the Oregon Kitchen Table consultants that they did not want the stigma of second-class degrees, no matter how they are dressed up as “flexible pathways.” Educators, in their feedback to OKT, noted the “stigma and harm” of the second-class diplomas. Students expressed the same disapproval: “I felt like I graduated but not really because I had gotten a modified high school diploma...I felt like I could not go to college because of this diploma. It is hard to go to any college with what I had heard from my counselor.” A parent added similar sentiments: “They want to give my son a modified diploma but they haven’t given me enough information about what it means and that my son will have barriers if he receives the certificate or what will he be allowed to study.”

Despite ODE’s recommendation of a single diploma with “flexible pathways” to meet the requirements, this proposal is intended to conceal degraded education for black and Hispanic students. It seeks to substantiate this degradation with research from California’s Linked Learning program, which linked high school pathways to different career pathways (see footnote 5 above). But the cited work makes no reference to the California program. Its main finding is that the effort to create multiple pathways (honors, college, career, etc.) has often created less readiness



for students. States like Indiana, which instead moved to an “all-college readiness” model of higher standards, did better.<sup>21</sup> Indeed, further on in its report, ODE cites this study and its main finding, writing, “The report found that these kinds of pathways maintained or increased inequitable access.” This is yet another example of ODE fraudulently misinterpreting research to support its desired conclusions, which, unfortunately, have not been proven to benefit students.

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21 Monica Almond, *Paper Thin? Why All High School Diplomas Are Not Created Equal*, Alliance for Excellent Education, July 2017, [https://all4ed.org/wp-content/uploads/2017/10/Diploma\\_Paper-UPDATE-10-17.pdf](https://all4ed.org/wp-content/uploads/2017/10/Diploma_Paper-UPDATE-10-17.pdf).

# Conclusions and Recommendations

The Oregon Department of Education's September 2022 report *Community-Informed Recommendations for Equitable Graduation Outcomes* fails to respond to the requirements of SB 744 and should be rejected. The report is unscientific, badly written, and poorly researched—it also imposes ideological biases that are not contained in the legislation. Using this report to reform Oregon's high school diploma requirements and school operations will very likely worsen the educational crisis in Oregon public schools.

In the most recent Oregon legislative session, there were numerous bills under consideration that directly or indirectly referenced this report from ODE. Five of those bills were signed into law, including SB 3 (on "career path skills" in high school) and SB 992 (on instructional hours in high school). The ripple effect from ODE's report will be felt for years to come unless the report is rejected and rescinded. What's more, this is not the only significant report published by ODE, or other organizations and advisory groups, that has and will continue to have a lasting influence on Oregon's public education system.

Given the findings of our thorough analysis, the Oregon Association of Scholars and Save Oregon Schools recommend the following actions:

- ODE should rescind its *Community-Informed Recommendations for Equitable Graduation Outcomes* report
- The Oregon legislature should reject the ODE report
- The legislature should call for an investigation and seek accountability for those who produced the report
- The Oregon Senate should reject the nomination of Charlene Williams as ODE director in light of her well-documented CRT advocacy
- Oregon's executive and legislative branches should establish the necessary processes and systems to ensure that no public agency is able to similarly publish fraudulent information to influence and mislead legislators and the community at large

## About

**The Oregon Association of Scholars** is the Oregon affiliate of the National Association of Scholars, a network of scholars and citizens united by a commitment to academic freedom, disinterested scholarship, and excellence in American higher education. Membership in NAS is open to all who share a commitment to these broad principles. NAS publishes a journal and has other state and regional affiliates. Visit NAS at [www.nas.org](http://www.nas.org), and OAS at [www.oregonscholars.org](http://www.oregonscholars.org) or on Twitter @OregonScholars.

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**Save Oregon Schools, LLC** is a registered business entity in the state of Oregon, focusing on research, analysis, and timely news pertaining to public education. Visit SOS at <https://saveoregonschools.com>, on Facebook at [www.facebook.com/SaveOregonSchools/](http://www.facebook.com/SaveOregonSchools/), or on Twitter @PapaBearMyers.

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