



THE OREGON STATE BOARD OF EDUCATION

Provide leadership and vision for Oregon's Public Schools and districts by enacting equitable policies and promoting educational practices that lead directly to the educational and life success of students.

AGENDA

Regular Meeting

<https://livestream.com/accounts/4436497>

255 Capitol Street NE

Salem, OR 97310

Thursday, January 20, 2022

State Board of Education meetings comply with open meeting laws and accessibility requirements. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be given to [Corey Rosenberg](#) at 503-947-5740, at least 48 hours before the meeting. You can access all board materials on our [Boardbook](#) page. Staff respectfully request that you submit email copies of written materials before or after your testimony.

Please note: all times are approximate.

1. **Call to Order**
 - A. **Roll Call**
Time: 9:00 AM
 - B. **Board Member Reports**
Time: 9:05 AM
 - C. **Break**
Time: 10:00 AM
 - D. **Director's Report** **3**
Time: 10:05 AM
2. **Public Comment**
 - A. **Written Public Comment Received.** **35**
3. **Consent Agenda**
Time: 11:00 AM
 - A. Instructional Materials Adoption Criteria for Mathematics 37
 - B. Noncompetitive Farm-to-School Grant for Reimbursement of Oregon Foods: OAR 581-017-0430 48
 - C. Amended Rules Pertaining to Type 10 Drivers: OAR 581-053-0330 72
4. **Adoptions**
 - A. Talented and Gifted Education - Senate Bill 486 Implementation: OAR 581-022-2500 77
Time: 11:05 AM
Angela Allen and Alexa Pearson, Office of Teaching, Learning, and Assessment
5. **Second Readings**
 - A. Talented and Gifted Identification: OAR 581-022-2325 90
Time: 11:20 AM
Angela Allen and Alexa Pearson, Office of Teaching, Learning, and Assessment



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6. Break for Lunch

Time: 11:50 AM

7. Adoptions

A. Hospital Education Programs: Temporary Rules 121

Time: 12:50 PM

Adam Henning, Office of Enhancing Student Opportunities

B. Charter School Equity Grant: Temporary Rules 128

Time: 1:00 PM

Kate Pattison, Office of the Director

8. First Readings

A. Oregon State Seal of Biliteracy Updates: OAR 581-021-0580 and 581-021-0584 147

Time: 1:20 PM

Deb Lange, Assistant Superintendent, and Taffy Carlisle, Office of Equity, Diversity, and Inclusion

B. Senate Bill 744 Implementation: OAR 581-022-2115 156

Time: 1:35 PM

Dan Farley and Jennifer Patterson, Assistant Superintendent, Office of Teaching, Learning, and Assessment

C. Menstrual Dignity for Students: OAR 581-021-0600 - 581-021-0609 191

Time: 1:50 PM

Sasha Grenier, Office of Teaching, Learning, and Assessment

D. Vision Screen Reimbursement Program Update: OAR 581-021-0031 217

Time: 2:00 PM

Sasha Grenier, Office of Teaching, Learning, and Assessment

E. Intensive Program and Student Success Teams Update: OAR 581-017-0729 - 581-017-0744 242

Time: 2:05 PM

Tim Boyd, Sarah Rosenberg, and Chelsea Mabie, Office of Education Innovation and Improvement

9. Adjourn

Time: 2:15 PM



Oregon State Board of Education

Update

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January 20, 2022

Colt Gill, Director of the Oregon Department of Education

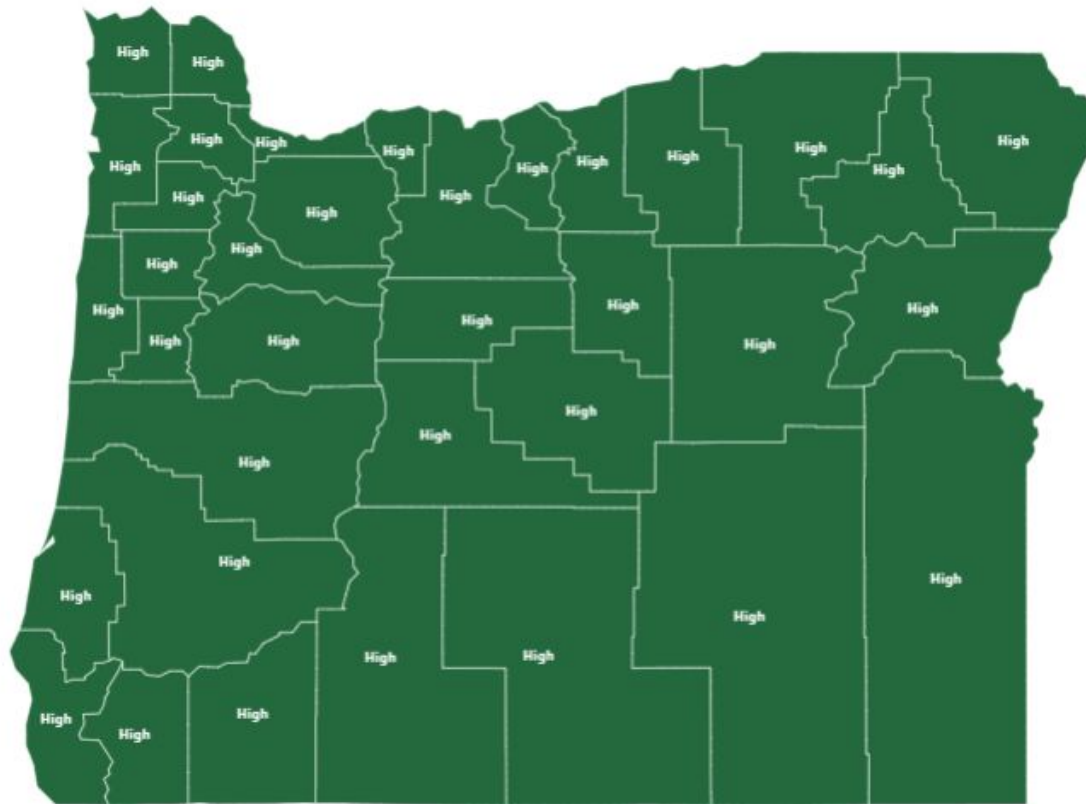
Today

- OHA/ODE School Health Advisory - Omicron Variant
- Recent CDC & OHA Isolation and Quarantine Changes + Test to Stay
- 2021 Graduation Rates
- 2022 Legislative Session

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Community Transmission by County

Hover over a county for more information

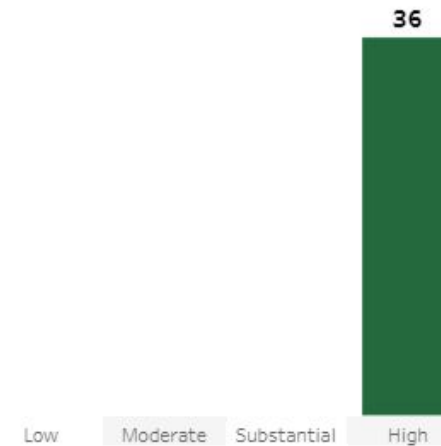


Community Transmission

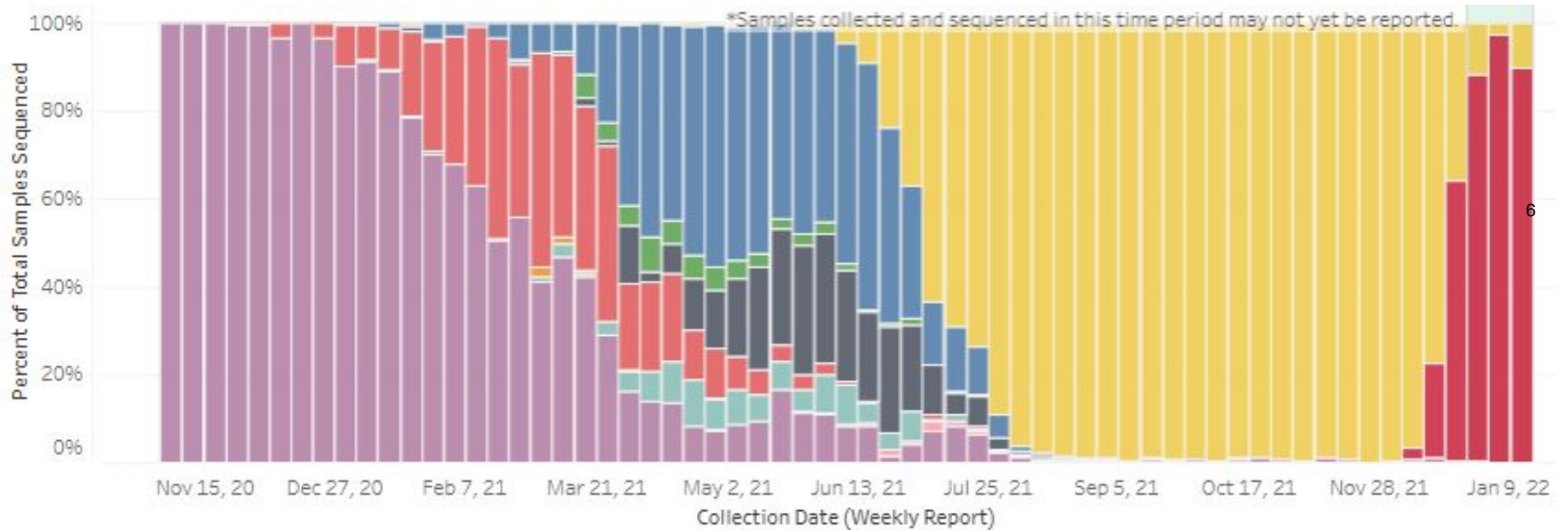
■ High

Counties by Level of Community Transmission

Select a bar to highlight the counties in that level of community transmission.



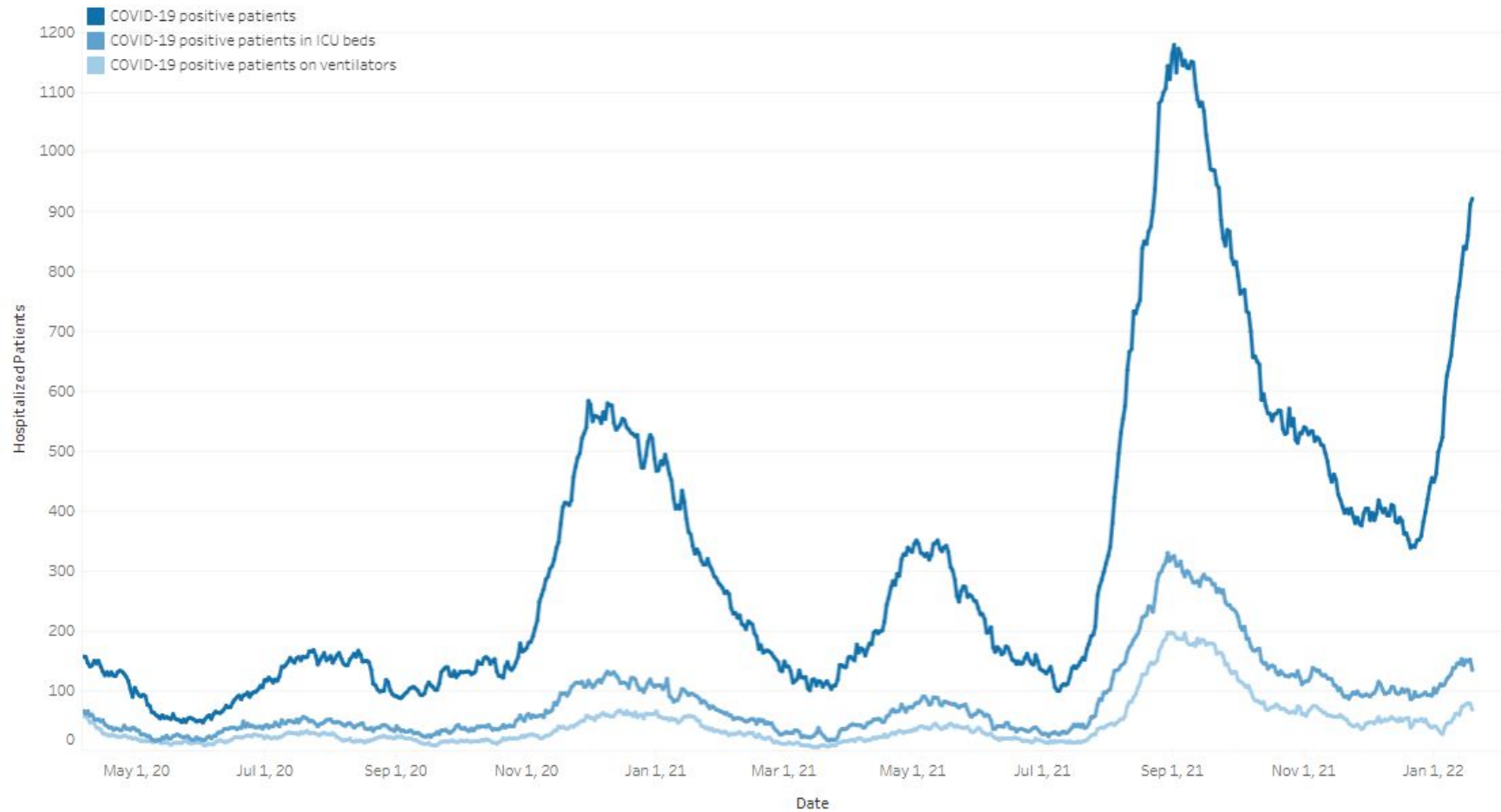
SARS-CoV2 Variant Circulation



Oregon's Epi Curve



Hospitalizations by Severity





OHA/ODE School Health Advisory - Omicron Variant

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North Star

It's our highest priority is to keep kids learning in-person, every day.

- Nearly all children learn better when taught in-person.
- Children and families rely on schools to provide a caring and safe environment.
- Many need access to a solid breakfast and a warm lunch.
- For parents and families, consistency matters, and for many, school is a way to ensure they can go to work and support their family.

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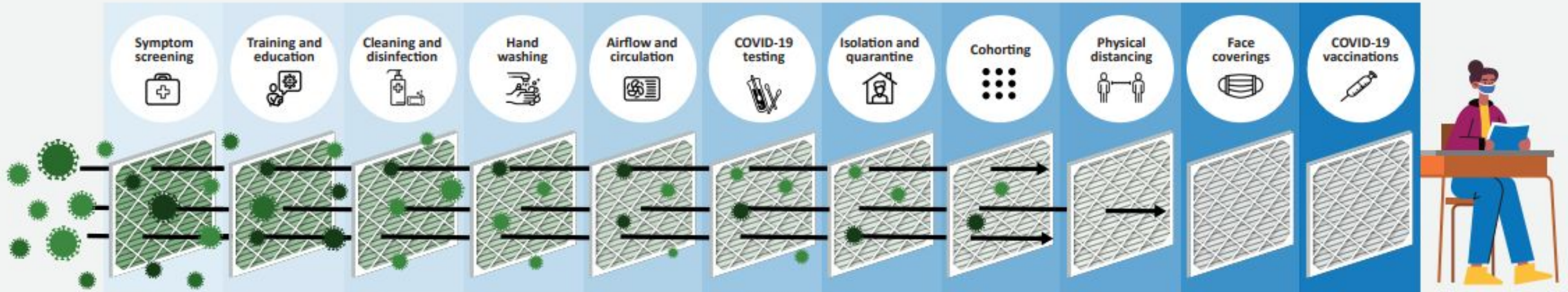
School Health *Advisory*

- The ODE/OHA School Health Advisories name actions that individuals, families, schools, and/or communities can take to reduce the spread of COVID-19 and help schools stay open to in-person instruction.
- January's School Health Advisory is the most critical and urgent issued to date.
- Omicron variant may result in less severe disease than previous variants but it spreads much more quickly.
- This surge is likely to be much steeper than the Delta variant, impacting schools, hospitals, and other sectors and workforces more severely than we experienced in the fall.
- Indoor settings in which people do not adhere with purpose and intention to masking requirements and other layered safety protocols is expected to result in rapid transmission.
- Student access to in-person instruction is under threat.

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Layered Health and Safety Protocols

Layered health and safety measures help us maximize full-time, in-person learning and reduce disruptions for students, staff and families. The virus can pass through one or two layers but not all. That's why every layer matters and every layer helps keep students in class.



School should:

- Exclude students or staff that show COVID-19 symptoms or are a close contact. Schools may offer testing to the individual through OHA's Diagnostic Testing Program.
- Reinforce the importance of [layered mitigation efforts](#). Plan to re-teach appropriate use of face coverings, reestablish consistent physical distancing practices, incorporate frequent handwashing, recheck ventilation systems, and attend to [other layered health and safety measures](#).
- Work with health partners to offer vaccination clinics and encourage eligible students and staff to get their vaccinations and boosters.
- Pause extracurricular activities **or** ensure they follow the same layered mitigation safety protocols practiced during the school day.
- Hold events (parent/family conferences, fundraisers, etc.) online, rather than in-person.

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Families should:

- Not send your children to school if they have COVID-19 symptoms.
- Get vaccinated now if you're not. Vaccination remains the best protection against serious illness from COVID-19 and reduces spread of the disease.
- Get boosted if you're not. If you're eligible for a booster, make your appointment today. Boosters provide an extra layer of protection needed to slow spread of the omicron variant. 14
- Limit gatherings and non-essential activities with people from other households to the extent possible throughout January and February. Before getting together with family, friends and loved ones, ask if attendees have received their COVID-19 vaccinations, including boosters, and consider postponing visits if many attendees are not up to date with recommended doses.



Recent CDC Updates

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Up To Date On Vaccinations

CDC recommends that individuals remain up to date with their vaccines, which includes [additional doses](#) for those who are immunocompromised or booster doses at regular time points. Within the K-12 setting, those who are up to date with their COVID-19 vaccination include:

- Individuals 18 or older (including students) who have received all recommended vaccine doses, including boosters and additional primary shots for some immunocompromised people.
- Youth 5-17 years who have completed the primary series of COVID-19 vaccines.
- Individuals who have confirmed COVID-19 within the last 90 days (individuals who have tested positive using a COVID-19 viral test.)

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CDC's Isolation and Quarantine Changes to 5 Days

- Students, teachers, and staff who come into close contact with someone with COVID-19 and are **up to date with their COVID-19 vaccination** as defined by CDC do **not need to quarantine**.
- Students, teachers, and staff who come into close contact with someone with COVID-19 and are **NOT up to date with their COVID-19 vaccination** as defined by CDC **should quarantine for at least 5 days** after their last close contact with someone with COVID-19. Individuals in quarantine should not go to school or school events in-person during their quarantine period unless they are participating in a school sponsored test to stay protocol.
- Students, teachers, and staff **who have presumed or confirmed COVID-19 or are showing symptoms of COVID-19** should **isolate** regardless of vaccination status. Individuals can end isolation after 5 full days since symptom onset if they are fever-free for 24 hours without the use of fever-reducing medication and their other symptoms have improved.

OHA Updates COVID-19 Contact Tracing

- Oregon will no longer consider masked contact in K-12 settings, including school buses, to be an exposure, regardless of distancing. The updated guidance will strongly advise students and staff to maintain physical distancing to the greatest extent possible.
- The new guidance is based on accumulated evidence that layered mitigation efforts in K-12 schools have worked well to minimize transmission and that the vast majority of transmission has occurred following indoor unmasked contact.
- Schools that employed universal masking in K-12 settings will continue to perform contact tracing for exposures that occur during unmasked lunchroom encounters, as well as unmasked extracurricular encounters. Oregon Department of Education strongly recommends all schools immediately develop stable lunch cohorts – table groups, lunch bunches and other group situations – where this is not already the practice.



Current Status, Contingency Planning, and Decision Tools

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Impacts of Omicron

- Like other sectors (health care, airline travel, professional and collegiate sports), the education workforce will likely be impacted.
- Some schools may need to move to short-term distance learning due to staff shortages or, possibly, broad community spread.
- Staff absenteeism rates across 20 Northwest Regional ESD School Districts this week range from 10-17%. Student COVID cases have doubled what they were before winter break. Includes: Astoria, Beaverton, Banks, Sherwood, and others.
- Local school districts, in partnership with local health authorities, make the decision to serve students in-person or through distance learning.

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Supports for Continuity of Instruction

Supports for Continuity of Services

Since March, 2020, school leaders in Oregon have navigated an ongoing pandemic, wildfires and ice storms. Each of these events disrupted school for students, families and staff, and required significant response from schools and districts. As we head into the 2021-22 school year, our priority is to implement the protocols needed to reliably and safely hold school in-person, every school day, for all students, all year long.

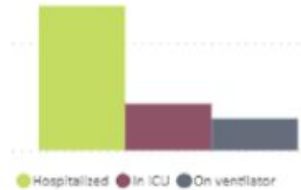
At the same time, it is important to be as prepared as possible for future disruptions to in-person learning, whether from disease, wildfires, ice storms or other circumstances which may affect a school building, a district or an entire region. One of the hardest lessons learned from the last 18 months is how unprepared our systems were for the unexpected. Now we know more, and we can be more prepared.

Decisions about when or how to operate school are in the hands of district leaders and school boards. These decisions are significant and complex and have impact on students, families, staff and community members now, and in the long term. The importance and weight of these decisions cannot be underemphasized; ODE stands with school partners to support the decision making process and implementation of these decisions.

The resources below will be helpful to schools and districts as they plan for and support continuity of services for students and families should the need arise.



[Oregon Data for Decisions Guide](#)



[Oregon Data for Decision Dashboard](#)



[Care & Connection](#)



[Transportation Supports](#)



[School District Contracting Opportunities](#)



[Planning Guide for Short-Term Distance Learning](#)



[Planning Guide for Long-Term Distance Learning](#)



[Oregon Child Nutrition Programs COVID-19 Response and Resources](#)



Telemental Health (under development)



[Verizon Distance Learning Website](#)



2021 Graduation Rates

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2020-21 Graduation Highlights

- The overall on-time graduation rate is 80.6 percent.
- This is the second highest rate ever reported, despite the challenges of the pandemic.
- The rate is 0.6 points higher than the Class of 2019 (latest pre-pandemic cohort) and 2 percentage points lower than last year.
- Most student groups rates were still higher than prepandemic rates, however graduation rates declined in every student group compared to last year.

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Definitions: Adjusted Cohort

Each Adjusted Cohort **begins** with:

- Students who first entered high school (grades 9-12) in a given school year, which was the 2017-18 school year for this report.

We then **add** to a cohort those students who

- Transferred into public K-12 education from homeschooling, private schools, or outside of Oregon, **and** who were determined to have started high school in the same year.

And we **remove** from a cohort those students who

- Students who have a *documented* transfer out of Oregon public schools.
- Students who emigrated to another country.
- Students who are deceased.

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Graduates and Completers

Graduates are students who earn a:

- Regular High School Diploma; or
- Modified High School Diploma

Completers (“Other Completers”) are students who earn a:

- GED;
- Adult High School Diploma; or
- Extended High School Diploma

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Four-year Cohort Graduation Rate

The four-year cohort graduation rate rate is the percentage of students in the adjusted cohort who earned a regular or modified high school diploma within four years of their first enrollment in high school.

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*Number of students in the adjusted cohort who earn
standard diplomas by August 31, 2021*

*(Number of students who were first enrolled in high school in 2017 – 18
+ Students who transferred into the cohort
- Students who transferred out of the cohort)*

Four-year Graduation Rate Gains Over Time

On-time graduation rates have increased by an average of about 1.4 percentage points each year since 2013-14, and are now about nine percentage points higher than seven years ago.

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School Year	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
All Students	72.0	73.8	74.8	76.7	78.7	80.0	82.6	80.6

Historically Underserved Student Groups

Rates for historically underserved student groups are lower than last year, but many remain above 2018-19 levels.

Student Group	18-19	19-20	20-21	Change	Student Group	18-19	19-20	20-21	Change ₂₈
All Students	80.0	82.6	80.6	-2.0	Econ. Disadvantaged	74.4	77.6	77.0	-0.6
American Indian/ Alaska Native	67.7	67.2	67.0	-0.2	English Learners anytime in high school	60.2	64.6	64.4	-0.2
Black/African American	70.4	76.3	73.5	-2.8	Former English Learners	84.3	86.1	84.2	-1.9
Hispanic/Latino	76.2	79.5	77.0	-2.5	Students w. Disabilities	63.4	68.0	66.1	-1.9
Native Hawaiian/Pac. Islander	77.6	76.6	69.8	-6.8	Homeless	55.4	60.5	55.4	-5.1

Four-year graduation Rates Over Time

Significant progress has also been made in improving the graduation rate of nearly all historically underserved student groups in the last seven years. The table below lists those groups with the largest gains.

Student Group	2013-14	2020-21	Change
American Indian/Alaska Native	53.5	67.0	13.5
Black/African American	60.2	73.5	13.3
Hispanic/Latino	64.9	77.0	12.1
Economically Disadvantaged	64.2	77.0	12.8
English Learners while in High School	51.7	64.4	12.7
Students with Disabilities	51.1	66.1	15.0
Migrant	63.5	78.3	14.8
All Students	72.0	80.6	8.6

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2022 Legislative Session

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Government Relations & External Affairs Director: Zoe Larmer

- This position serves as our Legislative Director
- Zoe has nearly a decade of public policy experience in Oregon.
- Most recently she worked at the Oregon Legislature in the Legislative Policy and Research Office as the analyst for the House Behavioral Health Committee.
- Zoe also has a background in education policy from her time as the administrator for the State Board of Education.
- She received her Master's degree in public policy from Oregon State University.
- We are excited to have her and the tradition of an SBE Administrator moving into this role.

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Key Dates

- **February 1:** Session Opens
- **February 14:** Last day for policy committees to move measures introduced in their chamber
- **February 24:** Last day to hold work sessions on any remaining second chamber measures
- **March 7:** Session Ends

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Some Legislative Concepts

- Educator Workforce
- Youth Racial Justice Council
- Requesting ODE & TSPC fall under the Educator Investment Act
- District and ESD Governance
- Education Access Discrimination
- Elected Superintendent of Public Instruction
- Seeking key positions for procurement and ELD/DELIC
- Grant consolidation report

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Questions?



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From: [Margaret DeLacy](#)
To: [StateBoard Public Email](#)
Cc: [Board@oatag.org](#); [angela.m.allen@state.or.us](#); [Colt.gill@state.or.us](#)
Subject: public comment: update on TAG rules: OAR 581-022-2500, OAR 581-022-2325
Date: Tuesday, December 14, 2021 12:14:39 PM

Dear Chair Howard, vice-chair Martinez Zapata and members of the State Board of Education:

This email is a response to your questions/comments about public participation during the truncated hearing on the proposed revisions to two OARs concerning Talented and Gifted (TAG) students.

OAR 581-022-2500 "Programs and Services for Talented and Gifted Students", is the first draft revision you considered.

This OAR draft implements Senate Bill 486 which requires that every district develop a plan that includes *"A requirement that each talented and gifted child and the child's parents have the opportunity to discuss with the school district the programs and services available to the child and to provide input on the programs and services to be made available to the child"*

SB 486 also required that districts provide copies of their plans and the name of their TAG coordinator to the public and the Department of Education.

OATAG requested this bill after a group representing TAG students at Portland's Madison High School (since renamed Leodis V. McDaniel High School) asked for it in a presentation to the parent Portland TAG Advisory Council. OATAG's membership includes both families and educators and we have continued to keep the Portland TAG Advisory Committee, the lead McDaniel student, and our own members informed about the bill and its progress. The bill had a very thorough hearing in the Senate Education Committee at which numerous parents and students testified, followed by a second hearing in the House Education Committee. This testimony can be found at:

<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Testimony/SB486>

Thus, the proposed amendments were originated, supported, and reviewed by students, parents and the community. In addition SB 486 was reviewed by COSA, the OEA and OSBA. Indeed, the bill was amended at the request of COSA and the OSBA.

This explains why a draft OAR that simply implements the SB 486 has been uncontroversial.

The story is a little different with regard to the draft amendment to OAR 581-022-2325 "Identification of Academically Talented and Intellectually Gifted Students." This is the one that you did not discuss at the December 9th. meeting due to time limitations.

Before the 2021 session, OATAG requested a bill for a study of TAG identification. This became SB 478. The bill's summary read *"Directs Department of Education to conduct study related to identification of talented and gifted children and to report results of study to interim committee of Legislative Assembly related to education."* However, the bill was later amended and the new summary said *"Directs school districts to use inclusive and effective methods for identifying talented and gifted children and communicating with parents about process for identifying talented and gifted children."* OATAG did not request this change from study to

action, but we continued to follow and support the bill. However, unlike SB 486 above, SB 478 provided no guidance as to the exact procedures that would be adopted if it passed.

The Department of Education then attached a fiscal impact statement to the amended bill stating that it might require additional training.

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureAnalysisDocument/58245>

Although the bill passed the Senate Education committee, this fiscal impact sent the bill to the Education Subcommittee of the Joint Ways and Means Committee, which allowed it to die without a hearing.

It is a sad indication of just how under-served our TAG students are that a bill to make TAG identification more inclusive and effective died either because the Ways and Means committee believed that tens of thousands of TAG students aren't worth their consideration or because they felt that the potential cost of providing minimal training to districts on more inclusive and effective practices was too great.

After the bill died, the Department decided to go ahead and revise its identification procedures through the process that the TAG specialist outlined to you. This relied on discussions among TAG administrators who have continued to review successive drafts. The draft rule had a contentious hearing in the Rules Advisory Committee. Several RAC members requested a sub-committee because of its complexity but this did not happen. I myself and other OATAG board members did comment on the draft and we have continued to keep our membership informed. However, to date, there has been no public process for the language in the draft. RAC meetings are not streamed or recorded and do not take any public testimony. Unlike the previous rule, this amended rule will not only affect identified TAG students but other, currently unidentified students, whose prospects for being identified may increase or decrease. We support a more robust public discussion of this important proposal and we would also have liked to have seen a public discussion by members of the State Board.

TAG students, who have no control over how they were identified, are often blamed in the press for racial, ethnic, and income disparities among identified students, but these are entirely the responsibility of our state's own decisions. The current neglect serves neither excellence nor equity.

Sincerely yours,

Margaret DeLacy
President
Oregon Association for Talented and Gifted
www.OATAG.org
www.oatag.org

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 3.A.

<p>SUBJECT: Instructional Materials Adoption Criteria for Mathematics, OAR 581-011-0065</p> <p>STAFF NAME & OFFICE: Mark Freed, Aujalee Moore, Alexa Pearson – Office of Teaching, Learning, and Assessment</p> <p>Members of the Office of Teaching, Learning, and Assessment collaborated with committees of qualified mathematics content specialists and K-12 teachers to develop an updated version of the adoption criteria for mathematics instructional materials. These criteria are being presented to the State Board of Education for approval.</p>	<p><input type="checkbox"/> First Reading</p> <p><input type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Temp Rule</p> <p><input type="checkbox"/> Presentation</p> <p><input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

The State Board of Education has the responsibility of approving criteria for the evaluation and adoption of submitted instructional materials (OAR 581-011-0065). The last contracted period for instructional materials in mathematics was from 2016-2023. The mathematics content standards were updated in October 2021. The Department of Education needs new adoption criteria to ensure that instructional materials align with current instructional practice of the newly revised mathematics standards in addition to changes in the format of instructional materials since 2015.

Following the guidelines provided in OAR 581-011-0055, ODE staff convened a diverse committee of K-12 classroom teachers, curriculum specialists, and other content area experts in mathematics who developed and recommended the criteria being submitted to the Board, which will be used in the evaluation of instructional materials submitted for adoption.

As a first step, internal ODE work groups met to develop an initial draft of the criteria. Included in these work groups were members from across departments such as Standards and Instructional Support, Assessment, and the Office of Equity, Diversity, and Inclusion. The work that was developed by these internal work groups was given to the criteria development committee for them to react to and add to in their criteria development process.

The draft adoption criteria for mathematics instructional materials was approved by the committee and finalized on November 10, 2021.

SUMMARY OF PREVIOUS BOARD ACTION

This issue has not previously been before the Board.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 3.A.

Yes – As follows:

POLICY ISSUE OR CONCERNS

There are no known policy questions raised due to this request.

EQUITY IMPACT ANALYSIS

The review and revision of the adopted instructional materials review criteria is an opportunity to set a vision of what equitable teaching and learning looks like within adopted materials in K-12 mathematics. ODE shares the vision of access and equity from the National Council of Teachers of Mathematics (NCTM) that describes this principle as:

“An excellent mathematics program requires that all students have access to a high-quality mathematics curriculum, effective teaching and learning, high expectations, and the support and resources needed to maximize their learning potential.”

NCTM Access and Equity Principle, Principles to Action: Ensuring Mathematical Success for All (2014)

Equitable access to high quality materials, teaching practices, and expectations are part of the four goals of the Oregon Math Project (OMP) that guide the work of engineering an equitable system of math for all Oregon students. Attention was given to how the materials review criteria aligns to the OMP goals of Focus, Engagement, Pathways, and Belonging.

- **FOCUS:** The Oregon math materials criteria sets the expectation of narrowing the breadth of content to that found in our adopted standards through the alignment criteria of focus, coherence, and math practices (criterion 1.1). This commitment to focus also includes rigorous expectations through a balance of conceptual understanding, procedural fluency, authentic applications, and communication of reasoning (criterion 1.2).
- **ENGAGEMENT:** The Oregon math materials criteria sets the expectation of deep understanding of content through cognitive challenge (criterion 1.3) (recall, application, strategic thinking, extended thinking) and through relevant topics and collaborative learning (criterion 2.1).
- **PATHWAYS:** The Oregon math materials criteria sets the expectation of assisting students through the many path options through K-12 through student choice and individual student adaptability (criterion 2.1), and adaptability of materials to focus content and experiences to meet the needs of both individual and groups of students (criterion 3.1, 3.2, & 3.3).
- **BELONGING:** The Oregon math materials criteria sets the expectation of all students belonging through culturally responsive instruction (criterion 2.2), and supports specific student populations, differentiation, and emergent bilingual needs (criterion 3.2). Attending to the ideas of authenticity and cultural affirmation can also be found within the assessment expectations (criteria 4.2).

Together with tractional technical support for teachers, digital media, and assessment, the instructional materials review criteria sets a vision of equitable access to math content for all Oregon students within adopted materials in our state. It is unknown to what degree publishers will be able to meet these ideals, but giving quality feedback on these criteria will help districts adapt reviewed materials to align with the Oregon vision of engineering equitable systems in our state.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 3.A.

FISCAL ANALYSIS

No fiscal impact.

EFFECT OF A "YES" OR "NO" VOTE

A "yes" vote will provide Oregon school districts with criteria for the evaluation and adoption of mathematics instructional materials that are aligned to the newly revised mathematics standards.

A "no" vote will mean that school districts will use previously State Board approved adoption criteria from 2015 for mathematics instructional materials. This will result in evaluation of instructional materials using outdated criteria and standards.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: Adoption Criteria for Mathematics Instructional Materials

Criteria for the Review and Adoption of Instructional Materials for:

Category 1, 2, 3, and 4: Oregon Mathematics – Grades K-5/6, 6-8, 9-10, and HS third credit (+1)

Legal Requirements Section

1. [Basal Instructional Materials Criteria](#)

The submitted materials must make up an organized system of instruction that aligns with 2021 Oregon Mathematics Standards, including the Standards for Mathematical Practice.

Does the program meet the above requirements for basal instructional materials?

Yes No

2. [Equity Criteria](#)

Submitted materials must provide models, selections, activities and opportunities for responses, which promote respect for all people described in ORS 659.850, OAR 581-021-0045 and support program compliance standards described in OAR 581-021-0046.

Does the program meet the above requirements for basal instructional materials?

Yes No

3. [National Instructional Materials Accessibility Standard \(NIMAS\)](#)

Submitted materials must include assurance from the publishers agreeing to comply with the most current NIMAS specifications regarding accessible instructional materials.

Does the program meet the above requirements for basal instructional materials?

Yes No

4. [Digital Manufacturing Standards and Specifications \(MSST Form B and M\):](#)

Submitted materials must include assurance from the publishers agreeing to comply with the most current digital manufacturing standards and specifications.

Does the program meet the above requirements for basal instructional materials?

Yes No

Part 1: Oregon Mathematics Baseline Criteria

1A: Category 1 & 2 - Oregon Mathematics (2021) – Grades K-5

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 1.1: Alignment	Aligned materials in Mathematics strongly reflect the focus of the Oregon Standards, and connect major topics across and within grades and/or courses. When applicable, content from earlier or later grade-levels is clearly identified and differentiable from grade-level content.	FOCUS Materials are closely aligned with the Oregon Math Standards and provide opportunities for students to engage with content that meets the full intent of grade-level standards.	COHERENCE Materials include learning objectives consistent with Oregon reasoning progressions that connect content across lessons, units, and grade-levels.	MATH PRACTICES Materials explicitly align to and support the Standards for Mathematical Practice through regular and authentic engagement opportunities for students.	
Criterion 1.2: Rigor & Communication	Materials reflect grade-level and/or course expectations by giving students opportunities to communicate reasoning as well as attend to the balance of rigor across developing conceptual understanding, procedural fluency, and engaging applications.	CONCEPTUAL UNDERSTANDING Materials include opportunities for students to develop comprehension of mathematical concepts, operations, and relations using concrete materials and visual models to understand math as more than isolated facts and methods.	PROCEDURAL FLUENCY Materials include opportunities for students to develop skills in carrying out procedures flexibly, accurately, efficiently, and appropriately.	APPLICATION Materials include meaningful contexts for students to apply and build important concepts and skills that have meaning to students and allow multiple pathways to a solution(s).	COMMUNICATION Materials include opportunities for students to communicate thinking, reflection, explanation, comparison, and justification about and with mathematics in varied ways, including with words, data visualizations and numbers.
Criterion 1.3: Cognitive Challenge	Materials include a variety of cognitively demanding rich tasks which are the center of instruction that address a variety of cognitive demand levels to deepen student understanding, fluency, and applications of mathematical concepts throughout the course.	RECALL & REPRODUCTION Materials include opportunities for students to recall facts, strategies, concepts, algorithms, and formulas when performing routine procedures.	BASIC APPLICATION & SKILLS Materials include opportunities for students to apply knowledge and skills when solving problems, explaining results, selecting procedures and/or organizing or displaying data.	STRATEGIC THINKING Materials include opportunities for students to formulate strategies when representing concepts, solving problems and/or analyzing data.	EXTENDED THINKING Materials include opportunities for students to extend mathematical reasoning when investigating scenarios, researching topics, solving problems, processing multiple conditions, as well as utilizing non-routine manipulations across multiple disciplines, and/or reasoning with data.

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1B: Category 3 - Oregon Mathematics (2021) – Grades 6-8

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 1.1: Alignment	Aligned materials in Mathematics strongly reflect the focus of the Oregon Standards, and connect major topics across and within grades and/or courses. When applicable, content from earlier or later grade-levels is clearly identified and differentiable from grade-level content.	FOCUS Materials are closely aligned with the Oregon Math Standards and provide opportunities for students to engage in content that meets the full intent of the grade-level standards.	COHERENCE Materials include learning objectives consistent with Oregon reasoning progressions that connect content across lessons, units, and grade-levels.	MATH PRACTICES Materials explicitly align to and support the Standards for Mathematical Practice through regular and authentic engagement opportunities for students.	
Criterion 1.2: Rigor & Communication	Materials reflect grade-level and/or course expectations by giving students opportunities to communicate reasoning as well as attend to the balance of rigor across developing conceptual understanding, procedural fluency, and engaging applications.	CONCEPTUAL UNDERSTANDING Materials include opportunities for students to develop comprehension of mathematical concepts, operations, visual models and relations to understand math as more than isolated facts and methods.	PROCEDURAL FLUENCY Materials include opportunities for students to develop skills in carrying out procedures flexibly, accurately, efficiently, and appropriately.	APPLICATION Materials include meaningful contexts for students to apply and build important conceptual understanding and procedural skills that have meaning to students and allow multiple pathways to a solution(s).	COMMUNICATION Materials include opportunities for students to communicate thinking, reflection, explanation, comparison and justification about and with mathematics in varied ways, including with words, data visualizations and numbers.
Criterion 1.3: Cognitive Challenge	Materials include a variety of cognitively demanding rich tasks which are the center of instruction that address a variety of cognitive demand levels to deepen student understanding, fluency, and applications of mathematical concepts throughout the course.	RECALL & REPRODUCTION Materials include opportunities for students to recall facts, strategies, concepts, algorithms, and formulas when performing routine procedures.	BASIC APPLICATION & SKILLS Materials include opportunities for students to apply knowledge and skills when solving problems, explaining results, selecting procedures and/or organizing or displaying data.	STRATEGIC THINKING Materials include opportunities for students to formulate strategies when representing concepts, solving problems and/or analyzing data.	EXTENDED THINKING Materials include opportunities for students to extend mathematical reasoning when investigating scenarios, researching topics, solving problems, processing multiple conditions, as well as utilizing non-routine manipulations across multiple disciplines, and/or reasoning with data.

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1C: Category 4 - Oregon Mathematics (2021) – High School Core

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 1.1: Alignment	Aligned materials in Mathematics strongly reflect the focus of the Oregon Standards, and connect major topics across and within grades and/or courses. When applicable, content from earlier or later grade-levels is clearly identified and differentiable from grade-level content.	FOCUS Materials are closely aligned with the Oregon Math Standards and provide opportunities for students to engage in content that meets the full intent of the high school core standards.	COHERENCE Materials include learning objectives consistent with Oregon reasoning progressions that connect content across domains, lessons, units, and courses.	MATH PRACTICES Materials explicitly align to and support the Standards for Mathematical Practice through regular and authentic engagement opportunities for students.	
Criterion 1.2: Rigor & Communication	Materials reflect grade-level and/or course expectations by giving students opportunities to communicate reasoning as well as attend to the balance of rigor across developing conceptual understanding, procedural fluency, and engaging applications.	CONCEPTUAL UNDERSTANDING Materials include opportunities for students to develop comprehension of mathematical concepts, operations, and relations to understand math as an integrated whole.	PROCEDURAL FLUENCY Materials include opportunities for students to develop skills in carrying out procedures flexibly, accurately, efficiently, and with technology when appropriate.	APPLICATION Materials include meaningful contexts for students to apply and build important conceptual understanding and procedural skills through the mathematical modeling process and allow multiple pathways to a solution(s).	COMMUNICATION Materials include opportunities for students to communicate thinking, reflection, explanation, comparison, and justification about and with mathematics in varied ways, including with words, data visualizations and numbers.
Criterion 1.3: Cognitive Challenge	Materials include a variety of cognitively demanding rich tasks which are the center of instruction that address a variety of cognitive demand levels to deepen student understanding, fluency, and applications of mathematical concepts throughout the course.	RECALL & REPRODUCTION Materials include opportunities for students to recall facts, strategies, concepts, algorithms, and formulas when performing routine procedures.	BASIC APPLICATION & SKILLS Materials include opportunities for students to apply knowledge and skills when solving problems, explaining results, selecting procedures and/or organizing or displaying data.	STRATEGIC THINKING Materials include opportunities for students to formulate strategies when representing concepts, solving problems and/or analyzing data.	EXTENDED THINKING Materials include opportunities for students to extend mathematical reasoning when investigating scenarios, researching topics, solving problems, processing multiple conditions, as well as utilizing non-routine manipulations across multiple disciplines, and/or reasoning with data.

1D: Category 5 - Oregon Mathematics (2021) – High School Plus One

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 1.1: Alignment	Aligned materials in Mathematics strongly reflect the focus of the Oregon Standards, and connect major topics across and within grades and/or courses. When applicable, content from earlier or later grade-levels is clearly identified and differentiable from grade-level content.	FOCUS Materials either deepen Oregon high school core content and/or include specialized content that aligns with a given pathway leading to college and career readiness.	COHERENCE Materials include learning objectives that connect core high school content to given student college and career pathways. Courses can be reasonably completed within a planned semester, term, or school year with little to no modification.	MATH PRACTICES Materials explicitly align to and support the Standards for Mathematical Practice through regular and authentic engagement opportunities for students.	
Criterion 1.2: Rigor & Communication	Materials reflect grade-level and/or course expectations by giving students opportunities to communicate reasoning as well as attend to the balance of rigor across developing conceptual understanding, procedural fluency, and engaging applications.	CONCEPTUAL UNDERSTANDING Materials include opportunities for students to develop comprehension of mathematical concepts, operations, and relations to understand math as an integrated whole.	PROCEDURAL FLUENCY Materials include opportunities for students to develop skill in carrying out meaningful procedures flexibly, accurately, efficiently, and with technology when appropriate.	APPLICATION Materials include meaningful contexts for students to apply and build important conceptual understanding and procedural skills through the mathematical modeling process that have meaning to students and allow multiple pathways to a solution(s).	COMMUNICATION Materials include opportunities for students to communicate thinking, reflection, explanation, comparison, and justification about and with mathematics in varied ways, including with words, data visualizations and numbers.
Criterion 1.3: Cognitive Challenge	Materials include a variety of cognitively demanding rich tasks which are the center of instruction that address a variety of cognitive demand levels to deepen student understanding, fluency, and applications of mathematical concepts throughout the course.	RECALL & REPRODUCTION Materials include opportunities for students to recall facts, strategies, concepts, algorithms, and formulas when performing routine procedures.	BASIC APPLICATION & SKILLS Materials include opportunities for students to apply knowledge and skills when solving problems, explaining results, selecting procedures and/or organizing or displaying data.	STRATEGIC THINKING Materials include opportunities for students to formulate strategies when representing concepts, solving problems and/or analyzing data.	EXTENDED THINKING Materials include opportunities for students to extend mathematical reasoning when investigating scenarios, researching topics, solving problems, processing multiple conditions, as well as utilizing non-routine manipulations across multiple disciplines, and/or reasoning with data.

Part 2: Equitable Student Engagement and Cultural Pedagogy Criteria [K-HS]

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 2.1: Engagement & Motivation	Materials give students opportunities for choice in their tasks, and rigor is maintained across all options. Materials should focus on relevant topics, authentic contexts, experiences, and give students the opportunity to make connections with their goals, interests, and values.	<p>RELEVANCE</p> <p>Materials include relevant topics of student interest and strategic access to authentic contexts and tools that give students the freedom to make connections to their experiences, goals, and interests; as well as supporting the value of math as a sensible, useful, and worthwhile subject.</p>	<p>STUDENT CHOICE</p> <p>Materials provide students with appropriate choices within each grade-level, or course, in one or more of the following areas: content, product, process, or mathematical tool.</p>	<p>COLLABORATIVE LEARNING</p> <p>Materials include tasks that provide students opportunities to engage in the process of learning collaboratively, as well as opportunities to express their learning individually.</p>	<p>INDIVIDUAL STUDENT ADAPTABILITY</p> <p>Materials include instructional strategies for supporting unfinished learning from prior grade-levels and extensions for students who are ready to deepen their understanding of grade level content.</p>
Criterion 2.2: Culturally Responsive Instructional Support	Culturally responsive instruction refers to the explicit recognition and incorporation of the cultural knowledge, experience, and ways of being and knowing of students in mathematics teaching, learning and assessment.	<p>ASSET-BASED PERSPECTIVE</p> <p>Materials identify, value, and maintain a high commitment to student experiences from their home and communities that can be leveraged as resources for mathematics teaching and learning.</p>	<p>FRAMES OF REFERENCE</p> <p>Materials utilize multiple frames of reference for developing and demonstrating mathematics competence that correspond to a variety of cultural perspectives and experiences.</p>	<p>INCLUSIVE CULTURAL VIEWS</p> <p>Materials include pathways to math competence that leverage cultural perspectives that affirm student identities and reflect knowledge of students' background experiences and social realities.</p>	

Part 3: Technical Usability Criteria [K-HS]

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 3.1: Supports for Teachers	The materials include opportunities for teachers to effectively plan and utilize materials with integrity and to further develop their own understanding of the content.	SUPPORTING GUIDANCE Materials provide teacher guidance with useful annotations and suggestions for how to enact the student materials, concrete materials and visual models, and ancillary materials, with specific attention to engaging students to guide their mathematical development.	MATH KNOWLEDGE FOR TEACHING Materials contain adult-level explanations and examples of the more complex grade or course-level concepts from previous courses, and beyond the current course, so that teachers can improve their own knowledge of the subject.	HOME CONNECTION Materials provide strategies for informing all partners, including students, parents, or caregivers about the program and suggestions for how they can help support student progress and achievement.	CONTENT EDITABILITY Materials are designed to allow a teacher the ability to differentiate content within lessons, tasks, or other activities for students. Materials also include opportunities to communicate with writing and/or technology.
Criterion 3.2: Supports for Students	Materials have explicit teacher support with suggestions (routines, strategies, etc) for how they can meet the needs of individual learners. Support materials include live updates (data sources, current events, etc).	STRATEGIES FOR SPECIAL POPULATIONS Materials provide strategies and support for students from special populations such as students who are multilingual, students experiencing disabilities, and/or students identified as TAG, to support their regular and active participation in learning grade-level/series mathematics.	STUDENT DIFFERENTIATION Materials provide extensions and/or opportunities for students to engage with grade-level mathematics at higher levels of complexity, and include updates to keep materials relevant over time.	EMERGENT BILINGUAL STUDENT SUPPORT Materials provide strategies and support for students who read, write, and/or speak in a language other than English to regularly participate in learning grade-level mathematics.	STUDENT EDITABILITY Materials are designed to provide resources for students that are editable and allow for communication of understanding and thinking.
Criterion 3.3: Digital Learning Design Elements	The materials are attentive to digital design elements specific to structure, support for users, and adaptability of materials.	MATERIALS USABILITY The organizational structure of the digital materials allows for intuitive navigation and meaningful interaction on a variety of devices	LEARNING RESOURCES The digital materials provide support for users in a variety of settings, including: <ul style="list-style-type: none"> Professional learning resources to support educator’s use of the materials, Robust supports to help families understand and utilize the materials while supporting their students at home Support for students working independently. 	MEDIA INTEGRATION Digital and multimedia elements support, rather than distract from, intended learning outcomes and instructional content.	ADAPTABILITY OF MATERIALS Digital materials are designed to allow teachers the ability to adjust and adapt documents and other included resources to meet student needs.

Part 4: Assessment Criteria [K-HS]

Criterion	Description	Metric 1	Metric 2	Metric 3	Metric 4
Criterion 4.1: Formative Assessment Process	Instructional materials incorporate the formative assessment process. <ul style="list-style-type: none"> Materials employ clear learning goals and performance criteria to elicit evidence of student thinking. Feedback drives the learning process. Students have agency to monitor and adjust their own learning. 	CLARITY OF LEARNING GOALS Materials are designed around clear learning goals, written in grade-appropriate, student-friendly language.	ELICITATION OF EVIDENCE Instructional tasks and activities elicit a variety of evidence of student thinking, including opportunities for student self-assessment and reflection.	INTERPRETATION OF FEEDBACK Materials facilitate meaningful and strengths-based feedback to move learning forward. <ul style="list-style-type: none"> Student-to-student Educator-to-student Student-to-educator 	ACTION & ADJUSTMENT Materials guide educators and students to act on feedback and determine next steps for learning.
Criterion 4.2: Performance Assessments	Rich tasks that align to the depth, breadth, and cognitive demand of the standards. High-quality performance assessments affirm students' funds of knowledge and interests, integrate mathematical content and practice, allow for multiple representations of thinking, and can be iterated over time.	ALIGNMENT Materials include performance tasks that show clear alignment to both Oregon math content and practice standards.	CULTURAL AFFIRMATION Performance assessments utilize and affirm students' interests and cultural background. Tasks are suitable for both group and individual engagement.	AUTHENTICITY Performance assessments allow students to work with relevant mathematics and authentic audiences.	CLARITY & FEEDBACK Performance assessments use clear scoring criteria and allow for multiple iterations of student thinking based on feedback.
Criterion 4.3: Integrated Assessment System (This criterion is not required. Quality indicators are provided for evaluation if an integrated assessment system is present.)	Diagnostic, benchmark, and/or interim assessments are integrated into instructional materials in ways that support the learning process. Student results are interpreted relative to the performance expectations of the standards (i.e., criterion-referenced), support evidence gathered in the learning environment, and recommend instructional next steps.	ASSESSMENT DESIGN Diagnostic assessments are designed to focus students on grade-level math content and practices. They are well-designed, rigorous, connected to standards, and offer multiple means of interaction (e.g., short answer, matching, drag-and-drop, etc.).	DATA QUALITY The assessment system provides clear and actionable data that allow educators to respond to specific student strengths and opportunities for growth.	RESPONSIVENESS The assessment system is connected to resources designed to meet students' specific opportunities for growth. Intervention and extension materials effectively accelerate student learning. (These resources serve to answer the question, "Now what?")	FAMILY ENGAGEMENT & COMMUNICATION If the assessment system provides reports and/or diagnostic information to families, those resources are accessible in families' primary languages that allow them to effectively partner with their child(ren) in the learning process.

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AGENDA ITEM: 3.B.

<p>SUBJECT: 581-017-0430 Noncompetitive Farm-to-School Grant for Reimbursement of Oregon Foods</p> <p>STAFF NAME & OFFICE: Oregon Department of Education Child Nutrition Programs, Dustin Melton, Rick Sherman</p> <p>Second read/adoption. No changes since first read.</p> <p>Since introduced in 2011, the Oregon Farm to School grant has changed from one grant to the current version that has six subsections. Since these new subsections have “splintered off” into new subsections, it’s become clear that we need to go through and clean language up in these grants. Four of the six subsections have rules that need to be amended, in the form of mostly semantics and clarifications of intent.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. The above list looks daunting, but the Oregon Farm to School Grant is one grant that has six subsections. Four of the six subsections have rules that need to be amended:
 - i. Noncompetitive Oregon Farm to School Grant for Reimbursement of Oregon Foods
 - ii. Competitive Oregon Farm to School Grant for Reimbursement of Oregon Foods
 - iii. Competitive Farm to School Education Grant
 - iv. Competitive Farm to School Technical Assistance Grant
 - v. Competitive Evaluation Grant (*no changes needed at this time*)
 - vi. The Competitive Oregon Department of Agriculture Producer Infrastructure Grant (*no changes needed at this time*)
2. Purpose
 - a. The Oregon Farm to School Grant rule changes have evolved a great deal since its inception in 2011. This grant started out as one competitive grant, totalling \$200,000 that was awarded to eleven school districts. The original grant was split into a 80% food reimbursement/20% education grant. As more funding has become available, the grant has grown into the six separate sections described in the section above. During this growth, it has become necessary to clean some of the language to make it less confusing and fix some rules that will have minimal programmatic impact on the program.

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- b. Does the board have any areas of discretion on this policy and/or update? Changes are mostly clarifying already established practices and semantics. The only programmatic change is to revert back to the \$100,000 cap for Education grants (From \$250,000) to spread out funds more equitably and thus below the State procurement threshold.
3. Stakeholder voice/input (individual and collective i.e., groups)
- a. Many stakeholders were involved in bringing these changes to the Board, including the Oregon Farm to School and School Garden Network (with input from its 1600 members) and the Farm to School Coordinators from the Oregon Department of Agriculture and Oregon State University Extension.
 - b. The process of updating rule language has been in place since the start of this grant in 2012, the group revisits the language each biennium.
 - c. The people affected by this rule are the recipients of the different subsections of grants, as well as all of Oregon Schoolchildren partaking in the National School Lunch Program, as well as Oregon farmers, ranchers, fishers, and food distributors.
 - d. Since these grants have the ability to reach out to all Oregon schoolchildren, we feel that this is very well represented to reach the entire state.
 - e. No other information should be presented for the Board to move forward.

SUMMARY OF PREVIOUS BOARD ACTION

- 1. The Oregon Farm to School Grant has been before this Board many times before, as we've added rules to the different components. The Board has always passed the actions in the past.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows: one minor change in capping of the Education grant back to the previous \$100,000 from \$250,000. Beyond that, no major programmatic changes.

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

- 1. Stakeholders
 - a. The Oregon Farm to School and School Garden Network has a membership totaling 1,600 people, and are very involved in the decision making of policies concerning all of the Farm to School Program's grants. The members has a regular semi-annual convention, as well as monthly leadership advisory meetings in order to bring their opinions in these matters, as well as a regional hub that meets and represents every County in Oregon.

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AGENDA ITEM: 3.B.

- b. The historically underserved groups affected by the Oregon Farm to School Reimbursement grants are minimal, considering the non-competitive grant is available to all Oregon Schoolchildren that attend a program that has the National School Meal Programs.
 - c. The Competitive portion of the Farm to School Reimbursement grant specifically gives preference to those individual farmers, ranchers, producers, etc who could be underserved, including minority, women-owned businesses, disabled Veteran, emerging small businesses. This grant also specifically gives preference for plans to menu culturally sensitive foods into school meals, use a variety of Oregon food products, and develop new commercial relationships.
 - d. Has there been consultation or collaboration with tribes in this rule change or policy decision? Yes, we have had the wonderful help with Ramona Halcomb, the Indian Affairs Specialist at ODE. She has been able to invite me to speak with representatives of the nine Oregon Tribes at Education Cluster Meetings for the past two biennia. Unfortunately, we have not been able to be successful in getting any tribal organization to apply for any of our education grants. The tribal members have shared with me that our two-year biennium cycle does not work for them. It appears they need at least that amount of time to be able to ask permission from their Elders to be able to just apply for the grants. Thus, our system is a barrier for them to participate. We are working on finding other creative ways to solve this problem.
 - e. We have been able to modified / enhance the rule change or policy decision for our grant to address the needs of historically underserved communities in item number "c" above. Although we cannot be restrictive with public funds and make it so only some groups can access these funds, we worked with the Department of Justice to make our application process give preference for a plan to use these groups.
2. Negative/Positive Effects
- a. For the rule changes outlined here, there are no negative impacts on the population most affected by these rules.
 - b. Most of the rule changes are simply semantics and clearing up things that are confusing.
 - c. This grant will continue positive impacts on eliminating the opportunity or achievement gap by enabling more groups access to garden-based education and providing fresh, local food to Oregonian children. Studies have shown that students involved in a farm to school program have improved attendance, decreased disciplinary issues.
 - d. We believe there are no potential unintended consequences that would be affected by these rule changes.
 - e. We believe these rule changes advance the ESSA goals because evidence has shown that student attendance and behaviors improve in school garden programming, and healthy, well-fed students are more apt to learn.
3. What are the barriers to more equitable outcomes, either:
- a. As stated in #1(d) above, we have had issues with equitable outcomes in programmatic/geographic issues for tribal organizations.

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EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. How are historically underserved populations impacted by this docket item? This grant has the opportunity to reach all communities of Oregon. From the automatic opting in of all Oregon schools and centers for early education of those participating in the Child Nutrition Programs, and from the competitive grants involved.
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket. Although there are still issues with access to certain sub-grants of this farm to school grant, revisiting the rules to clean them up continues to help our goal of gaining access to all populations of Oregon.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a. As identified in 1(d) above, unfortunately we have not been able to be successful in getting any tribal organization to apply for any of our education grants. The tribal members have shared with me that our two-year biennium cycle does not work for them. It appears they need at least that amount of time to be able to ask permission from their Elders to be able to just apply for the grants. Thus, our system is a barrier for them to participate. We are working on finding other creative ways to solve this problem.
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. We have our State Farm to School Network helping us with the Tribal access issue, as well as ongoing discussions with our ODE Tribal Liaison.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students? Studies have shown that farm to school programs that expose children to local, healthy food and teach them about the food increase attendance and decrease negative behavior issues.

2. FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

There are no negative fiscal impacts that the Board should consider as part of this update or report. These rule changes do not impact other stakeholders.

EFFECT OF A "YES" OR "NO" VOTE

Effect of a "yes" vote enables staff to administer the farm to school grant for the 2021-2023 biennium.

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AGENDA ITEM: 3.B.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: Oregon Farm to School Grant Temporary Rules

581-017-0430 Noncompetitive Farm-to-School Grant for Reimbursement of Oregon Foods

(1) As used in this section:

(a) “Education service district” has the meaning given that term in ORS 334.003.(b) “Eligible entity” means a school district, a provider of center-based programs for children, or a service institution.

(b) “Food processed in the State of Oregon” includes but is not limited to foods that were baked, frozen, ground, canned, or milled in the State of Oregon.

(c) “Food produced in the State of Oregon” includes but is not limited to foods that were grown, caught, harvested, or raised in the State of Oregon.

(d) “Minimally processed” means that the food product was processed in a manner that does not fundamentally alter the product and the product retains its inherent character. The term includes, but is not limited to, butchering livestock and poultry, cleaning fish, dicing meats, slicing produce, forming ground food products into patties, grinding meats, drying or dehydrating food products, and washing produce.

(e) “Provider of center-based programs for children” means a child care center certified by the Office of Child Care, a Head Start center, an Oregon prekindergarten program, a school district, or an education service district that both provides non-residential child care services to enrolled children and participates in the federal Child and Adult Care Food Program.

(f) “Service institution” means a public or private nonprofit school, a public or private nonprofit residential summer camp, or other program sponsor that participates in the federal Summer Food Service Program.

(g)(A) “School district” means an Oregon common school district, joint school district, union high school district, or public charter school..

(B) “School district” does not include an education service district.

(2) The purpose of the noncompetitive Oregon Farm-to-School ~~Program procurement grant~~ for Reimbursement of Oregon foods is to assist eligible entities with paying the costs they incur purchasing foods that were:

(a) Produced in the State of Oregon;

(b) More than minimally processed in the State of Oregon; or

(c) Both produced and processed in the State of Oregon.

(3) An eligible entity which receives a noncompetitive Oregon Farm to School ~~Program procurement~~ grant for Reimbursement of Oregon foods may:

~~(a) Use the grant to supplant purchases of food produced or processed in the State of Oregon that the eligible entity had regularly purchased prior to the date it first received a noncompetitive Oregon Farm to School Program procurement grant if either the food produced or processed, or the food components of that food, were:~~

~~(A) Produced in the State of Oregon;~~

~~(B) More than minimally processed in the State of Oregon; or~~

~~(C) Both produced and processed in the State of Oregon.~~

(ab) Reserve up to twenty-five percent of the total amount awarded for all reasonable costs incurred:

(A) Growing, harvesting, processing, packaging, sourcing, or transporting food produced or processed in the State of Oregon, including but not limited to purchasing supplies, labor costs, and mileage; grantees may partner with other entities to provide this support.

(B) Providing education to children about foods produced or processed in the State of Oregon; and

(C) Promoting the use of foods produced or processed in the State of Oregon to children.

(4) The purchase of certain foods produced or processed in the State of Oregon may not be supplanted with grant funds. The department shall develop and publish a list of those foods. Recipients of a noncompetitive Oregon Farm-to-School ~~Program procurement~~ grant for Reimbursement of Oregon Foods may not use their grants to supplant purchases of foods produced or processed in the State of Oregon that are included on the current list of ineligible foods published by the department.

(5) Recipients of a noncompetitive Oregon Farm-to-School ~~Program procurement~~ grant for Reimbursement of Oregon Foods must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, or assign those funds a separate account or index number.

(6)(a) For purposes of this subsection, “reimbursable meal” means a reimbursable breakfast, lunch, snack, or supper that is provided by an eligible entity through the federal National School Lunch, Child and Adult Care Food Program, or Summer Food Service Programs.

(b) The amount of a noncompetitive Oregon Farm-to-School Program grant recipient’s award will be based on the number of reimbursable meals served by the recipient through the federal National School Lunch and Summer Food Service Programs during the previous school year and summer.

(c) The department may develop or adopt a formula or method for converting different types of reimbursable meals and snacks to the equivalent of a reimbursable lunch. The department will publish the formula or method chosen on its website.

(7)(a) The department may reallocate noncompetitive ~~procurement~~ grant for Reimbursement of Oregon Foods funds to other eligible entities if noncompetitive ~~procurement~~ grant for Reimbursement of Oregon Foods funds either remain after awards are made or become unobligated, or if a grant recipient is not making adequate progress towards spending all of its grant award during the biennium in which the award was made.

(b) The department will notify noncompetitive ~~procurement~~ grant for Reimbursement of Oregon Foods recipients if their claimed program expenses do not show that the recipients are making adequate progress towards spending all of their grant awards during the biennium in which the awards were made.

(8) ~~(a)~~ The Department of Education will apply the Oregon Equity Lens when administering this grant including when determining resource allocation and making strategic investments.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 336.431

581-017-0435 Purpose: Competitive Farm-to-School Education Grant

(1) The purpose of the competitive Oregon Farm-to-School ~~Program~~ education grant is to assist entities in paying the costs they incur providing food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in a public school or public charter school within a school district, or a center-based program for children in a school district.

(2) An eligible entity that receives a competitive Oregon Farm-to-School Program education grant may use the grant for costs directly associated with the educational activities offered to children enrolled in either a public school or public charter school within a school district, or a center-based program for children, including staff time, supplies, equipment, farm products for samples, and travel.

Statutory/Other Authority: ORS 326.051, ORS 336.431 & Enrolled HB 2579 (2019)

Statutes/Other Implemented: ORS 336.431 & Enrolled HB 2579 (2019)

581-017-0438 Eligibility: ~~Competitive~~ Farm-to-School Education Grant

(1) An eligible entity may apply for a competitive Oregon Farm-to-School Program education grant.

(2)(a) An eligible entity that applies for a competitive Oregon Farm-to-School Program education grant may partner with one or more organizations to provide food-based, agriculture-based, or garden-based educational activities in a school district. Grant applicants that partner with other organizations to provide educational activities must serve as the fiscal agent for the partnered organizations.

(b) Fiscal agents are responsible for:

(A) Ensuring that their partner organizations comply with the terms and conditions of the competitive Oregon Farm-to-School Program education grant;

(B) Overseeing the delivery of food-based, agriculture-based, or garden-based educational activities to children enrolled in either a public school or public charter school within a school district;

(C) Ensuring that the educational activities offered satisfy the criteria identified in OAR 581-017-0441, the request for proposals, and any related guidance documents produced by the Oregon Department of Education;

(D) Incorporating the principles of the Oregon Equity Lens, OAR 581-017-0010, into the development and delivery of educational activities funded with competitive Oregon Farm-to-School Program education grant dollars;

(E) Maintaining all records regarding the educational activities offered using, and costs paid for with, grant funds; and

(F) Delivering those records and any completion reports regarding the educational activities funded with, and the expenditure of, grant funds to the Oregon Department of Education.

(3) An eligible entity may lose its eligibility to apply for a competitive Oregon Farm-to-School Program education grant during the succeeding biennium, or continue receiving a previously awarded grant, if the eligible entity does not:

(a) Comply with the applicable provisions of ORS 338.431;

(b) Comply with the provisions of OAR 581-017-0432 to 581-017-0447;

(c) Comply with the grant criteria printed in the competitive Oregon Farm to School Program education grant request for proposals and any related guidance documents produced by the Oregon Department of Education;

(d) If awarded a competitive Oregon Farm to School Program education grant, spend the entire amount of the grant award during the biennium for which the grant was awarded; or

(e) If awarded a competitive Oregon Farm to School Program education grant, spend the majority of the grant award on food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in either a public school or public charter school within a school district, or a center-based program for children.

Statutory/Other Authority: ORS 326.051, HB 2579 (2019) & ORS 336.431

Statutes/Other Implemented: HB 2579 (2019) & ORS 336.431

581-017-0441 Application Process and Criteria for Oregon Farm to School Education Grant

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which competitive Oregon Farm to School Program education grant funds are available.

(2) The department shall notify eligible entities of the proposal process and the dates when proposals are due, and make available necessary guidelines and application forms.

(3)(a) Eligible entities must submit their grant proposals on the most current form prescribed by the department. The department shall publish the current request for proposals solicitation forms on the department's website.

(b) If an eligible entity that has applied for a competitive Oregon Farm to School Program education grant is unable to provide the information required in the request for proposals, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant proposals.

(4) To be considered by the department, the grant proposals submitted by eligible entities must include the following information:

(a) The name of the school district in which the educational activities will be offered;

(b) The name of the person who will serve as the grant applicant's primary contact regarding the grant proposal and that person's contact information, including the primary contact's email address and telephone number;

(c) The name of the organizations which the grant applicant either has partnered, or is intending to partner, with for the purpose of providing food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in a public school or public charter school within a school district, or a center-based program for children~~neither a public school or public charter school within a school district;~~

(d) The name and contact information of the persons who will serve as the partner organizations' primary contacts regarding the grant proposal and the educational activities the grant applicant and its partner organizations intend to provide;

- (e) A description of the educational activities the grant applicant proposes to offer;
- (f) An explanation of how the educational activities the grant applicant proposes to offer with grant funds will address the grant criteria and benefit children enrolled in a public school or a public charter school within a school district, or a center-based program for children in either a public school or public charter school within a school district;
- (g) An estimate of the costs associated with providing the proposed educational activities; and
- (h) An analysis of the proposed educational activities and the proposed means of delivering those programs using the Equity Lens adopted under OAR 581-017-0010.

(5) Grant applicants' proposals will be reviewed for completeness and how well they address the evaluation criteria adopted by the department. The Oregon Department of Education shall give preference to eligible entities that propose educational activities that:

- (a) Are well designed;
 - (b) Promote healthy food activities;
 - (c) Have clear educational objectives;
 - (d) Involve parents or the community;
 - (e) Are connected to a school district's farm-to-school procurement activities; and
 - (f) Are culturally relevant to the students being served by the grant moneys.
- (6) Additional information may be required and additional criteria may be identified in the applicable request for proposal and guidelines published by the department.
- (7) Recipients of a competitive Oregon Farm to School Program education grant will:
- (a) Represent a variety of school sizes and geographic locations; and
 - (b) Serve a high percentage of children who qualify for free or reduced price school meals under the federal National School Lunch Program.

(8) The Department of Education will apply the Oregon Equity Lens when administering this grant including when determining resource allocation and making strategic investments.

Statutory/Other Authority: ORS 326.051, HB 2579 (2019) & ORS 336.431

Statutes/Other Implemented: HB 2579 (2019) & ORS 336.431

581-017-0444 Awarding and Using Competitive Oregon Farm to School ~~Program~~ Education Grants

(1) The Oregon Department of Education shall allocate funds for competitive Oregon Farm to School Program education grants.

(2) Competitive Oregon Farm to School Program education grants will be awarded to those eligible entities whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(3) The department will notify the eligible entities selected for a proposed competitive education grant award by either mail or email. Within two weeks of receiving notice, the entity must notify the department whether it accepts the award.

(4) The department will award competitive Oregon Farm to School Program education grants for the biennium beginning on July 1, of the first year of the biennium 2019, and ending on June 30, on the second year of the biennium 2021. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(5) The amount of any competitive Oregon Farm to School ~~Program~~ education grants awarded by the department on or after July 1, on the first year of the biennium 2019, for the biennium beginning on July 1, 2019, will be at least \$2,000.00 and no more than ~~\$200,000.00~~ 100,000.00.

(6)(a) The recipient of a competitive Oregon Farm to School Program education grant that was awarded by the department on or after July 1, on the first year of the biennium 2019, for the biennium beginning on July 1, 2019, may reserve up to twenty-five percent of the total amount awarded for all costs incurred:

~~(A) Planning and developing the food-based, agriculture-based, or garden-based educational activities a grant recipient proposes to offer for the benefit of children enrolled in either a public school or public charter school within a school district; and~~

~~(B) Through direct administration of the food-based, agriculture-based, or garden-based educational activities offered by the grant recipient, including administrative labor, and supplies and indirect costs.~~

~~(b) Notwithstanding paragraph (a) of this subsection, grant recipients may not use more than ten percent of their total award for any direct administrative costs, including administrative labor and supplies.~~

~~(2b) The department may reallocate competitive Oregon Farm to School Program education grant funds to other eligible entities if education grant funds either remain after awards are made or become unobligated, or if a grant recipient is not making adequate progress towards spending all of its grant award during the biennium in which the award was made.~~

(78) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the department at the end of the biennium, unless otherwise determined by the department.

(98) Recipients of a competitive Oregon Farm-to-School Program education grant must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, or assign those funds a separate account or index number. Grant funds may only be used for the purpose of providing the food-based, agriculture-based, or garden-based educational activities it proposed to offer for the benefit of children ~~enrolled in either a public school or public charter school within a school district~~ enrolled in a public school or public charter school within a school district, or a center-based program for children.

~~(9) Grant recipients may not charge indirect costs to their grant award.~~

(10) The department may reallocate competitive education grant funds to other eligible entities if competitive education grant funds either remain after awards are made or become unobligated, or if a grant recipient does not spend all of its grant award during the biennium in which the award was made.

(11) The department, at its sole discretion, may disburse up to twenty-five percent of a grant recipient's award in advance if the recipient can first demonstrate a compelling need.

Statutory/Other Authority: ORS 326.051, HB 2579 (2019) & ORS 336.431

Statutes/Other Implemented: HB 2579 (2019) & ORS 336.431

581-017-0448 Competitive Oregon Farm-to-School ~~Program~~ Technical Assistance ~~et~~ Grants

(1) As used in this section:

(a) "Commodity commission or council" means a commodity commission or council organized under ORS 576.051 to 576.455, the Oregon Beef Council, or the Oregon Wheat Commission.

(b) "Education service district" has the meaning given that term in ORS 334.003.

(c) "Eligible entity" means:

(A) A commodity commission or council;

(B) An education service district;

(C) A federally recognized Indian tribe;

(D) An institution of higher education;

- (E) A nonprofit organization;
 - (F) A school district;
 - (G) A school overseen by the federal Bureau of Indian Education; or
 - (H) An administrative agency within the executive branch of Oregon’s state government.
- (d) “Including” means “including but not limited to.”
- (e) “Institution of higher education” means:
- (A) A public university listed in ORS 352.002;
 - (B) A community college, as defined in ORS 341.005;
 - (C) The Oregon Health and Sciences University; or
 - (D) An Oregon-based, accredited, private, non-profit college or university that is authorized to confer degrees in this state.
- (f) “Nonprofit organization” means:
- (A) A nonprofit business corporation incorporated under ORS Chapter 65;
 - (B) A foreign nonprofit business corporation authorized to transact business in the state of Oregon; or
 - (C) An organization that is recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986.
- (g)(A) “School district” means an Oregon common school district, joint school district, union high school district, or public charter school.
- (B) “School district” does not include an education service district.
- (2) The purpose of the competitive Oregon Farm-to-School Program technical assistance grant is to help those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School ~~Program~~ procurement reimbursement of Oregon Foods Grant or ~~competitive~~-Oregon Farm-to-School ~~Program~~ education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program, receive the technical assistance, training, and resources they need for the successful operation of their programs.
- (3) An eligible entity that receives a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant may use the grant for costs directly associated with the provision of technical assistance, training, and resources that are:
- (a) Provided to those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School Grant for~~Program~~ procurement reimbursement of Oregon

Foods grant or ~~competitive~~ Oregon Farm-to-School ~~Program~~ education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program; and

(b) Needed for the successful operation of their Oregon Farm-to-School Programs.

(4)(a) An eligible entity that applies for a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant may partner with one or more organizations to provide technical assistance, training, and resources to those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School Grant for Program procurement reimbursement of Oregon Foods grant or ~~competitive~~ Oregon Farm-to-School ~~Program~~ education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program. Grant applicants that partner with other organizations to provide technical assistance, training, or resources must serve as the fiscal agent for the partnered organizations.

(b) Fiscal agents are responsible for:

(A) Ensuring that their partner organizations comply with the terms and conditions of the competitive Oregon Farm-to-School ~~Program~~ technical assistance grant;

(B) Overseeing the delivery of technical assistance, training, or resources to those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School Grant for Program procurement reimbursement of Oregon Foods grant or ~~competitive~~ Oregon Farm-to-School ~~Program~~ education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program;

(C) Incorporating the principles of the Oregon Equity Lens, OAR 581-017-0010, into the development and delivery of technical assistance, training, or resources funded with competitive Oregon Farm-to-School Program technical assistance grant dollars;

(D) Maintaining all records regarding the technical assistance, training, or resources provided using, and any costs paid for with, grant funds; and

(E) Delivering those records and any completion reports regarding the technical assistance, training, and resources funded with, and the expenditure of, grant funds to the department.

(5) An eligible entity may lose its eligibility to apply for a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant during the succeeding biennium, or continue receiving a previously awarded grant, if the eligible entity does not:

(a) Comply with the applicable provisions of ORS 336.431;

(b) Comply with the provisions of this section;

(c) Comply with the grant criteria printed in the competitive Oregon Farm-to-School ~~Program~~ technical assistance grant request for proposals and any related guidance documents produced by the department;

(d) If awarded a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant, spend the entire amount of the grant award during the biennium for which the grant was awarded; or

(e) If awarded a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant, spend the majority of the grant award on technical assistance, training, or resources provided to those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School ~~Program procurement Grant for reimbursement of Oregon Foods grant~~ or ~~competitive Oregon Farm-to-School Program~~ education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program.

(6)(a) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which competitive Oregon Farm-to-School ~~Program~~ technical assistance grant funds are available.

(b) -The department shall notify eligible entities of the proposal process and the dates when proposals are due, and make available necessary guidelines and application forms.

(7)(a) Eligible entities must submit their grant proposals on the most current form prescribed by the Oregon Department of Education. The department shall publish the current request for proposals solicitation forms on the department's website.

(b) If an eligible entity that has applied for a competitive Oregon Farm-to-School ~~Program~~ technical assistance grant is unable to provide the information required in the request for proposals, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant proposals.

(8)(a) To be considered by the Oregon Department of Education, the grant proposals submitted by eligible entities must include the following information:

(A) The ~~name-type(s)~~ of the entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School ~~Grant for Program procurement reimbursement of Oregon Foods grant~~ or competitive Oregon Farm-to-School ~~Program~~ education grant, respectively, or the entities that would contribute to the success of the Oregon Farm-to-School ~~Grant~~ Program, which will receive technical assistance, training, or resources;

(B) The name of the person who will serve as the grant applicant's primary contact regarding the grant proposal and that person's contact information, including the primary contact's email address and telephone number;

(C) The name of the organizations with which the grant applicant has partnered, or is intending to partner, for the purpose of providing technical assistance, training, or resources;

(D) The name and contact information of the persons who will serve as the partner organizations' primary contacts regarding the grant proposal and the technical assistance, training, or resources the grant applicant and its partner organizations intend to provide;

(E) A description of the technical assistance, training, or resources the grant applicant proposes to provide;

(F) An explanation of how the technical assistance, training, or resources will benefit those entities identified in either OAR 581-017-0430 or 581-017-0432 as eligible to apply for a noncompetitive Oregon Farm-to-School Grant for Program procurement reimbursement of Oregon Foods grant or competitive Oregon Farm-to-School Program education grant, respectively, as well as other entities that would contribute to the success of the Oregon Farm-to-School Grant Program;

(G) An estimate of the costs associated with providing the proposed technical assistance, training, or resources; and

(H) An analysis of the proposed technical assistance, training, or resources, and the proposed means of delivering them, using the Oregon Equity Lens, OAR 581-017-0010.

(b) Additional information may be required and additional criteria may be identified in the applicable request for proposal and guidelines published by the department.

(9) Grant applicants' proposals will be reviewed for completeness and how well they address the evaluation criteria adopted by the Oregon Department of Education.

(10) The Oregon Department of Education shall allocate funds for competitive Oregon Farm-to-School Program technical assistance grants.

(11) Competitive Oregon Farm-to-School Program technical assistance grants will be awarded to those eligible entities whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(12) The Oregon Department of Education will notify the eligible entities selected for a proposed competitive technical assistance grant award by either mail or email. Within two weeks of receiving notice, the entity must notify the department whether it accepts the award.

(13) The Oregon Department of Education will award competitive Oregon Farm-to-School Program technical assistance grants for the biennium beginning on July 1, 2019, and ending on June 30, 2021. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(14) The amount of any competitive Oregon Farm to School Program technical assistance grants awarded by the department on or after July 1, of the first year of the biennium, 2019, for the biennium beginning on July 1, 2019, will be at least \$5,000.00.

(15) ~~(a)~~ The recipient of a competitive Oregon Farm-to-School Program technical assistance grants that was awarded by the department on or after July 1, of the first year of the biennium 2019, for the biennium beginning on July 1, 2019, may reserve up to twenty percent of the total amount awarded for all indirect costs incurred providing the technical assistance, training, or resources for which a grant was awarded.

(16) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the department at the end of the biennium, unless otherwise determined by the department.

(17) Recipients of a competitive Oregon Farm-to-School Program technical assistance grants:

(a) Must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, if they have one, or assign those funds a separate account or index number.

(b) May only use their grant awards for the purpose of providing the technical assistance, training, or resources it proposed to offer.

(c) Comply with all applicable federal, state, and local procurement laws and procedures when purchasing equipment with grant dollars.

(18) The department may reallocate competitive Oregon Farm-to-School ~~Program~~ technical assistance grant funds to other eligible entities if competitive technical assistance grant funds either remain after awards are made or become unobligated, or if a grant recipient does not spend all of its grant award during the biennium in which the award was made.

(19) The department, at its sole discretion, may disburse up to twenty-five percent of a grant recipient's award in advance if the recipient can first demonstrate a compelling need.

(20)(a) The Oregon Department of Education shall publish performance measures for recipients of a competitive Oregon Farm to School Program technical assistance grant in the request for proposals solicitation forms and any related guidance documents produced by the department.

(b) The department shall provide grant recipients with a template for an interim and final grant report. To receive the final disbursement of grant funds, grant recipients must submit both a completed interim and final grant report to the department.

(21)(a) If a grant recipient does not comply with this section, or the terms included in the request for proposals solicitation published by the Oregon Department of Education, then the department may take appropriate action, including wholly or partially terminating or suspending the recipient's grant award, disallowing some or all unallowable or noncompliant costs, or recovering grant funds spent on unallowable or noncompliant costs.

(b) If the department takes action to address a grant recipient's noncompliance with this section, or the terms included in the department's request for proposals solicitation, then the grant recipient may appeal the department's decision as provided in OAR 581-001-0005.

(22) ~~(a)~~ The Department of Education will apply the Oregon Equity Lens when administering this grant including when determining resource allocation and making strategic investments.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0711 Competitive Oregon Farm-to-School ~~Program-Procurement Grant~~ for Reimbursement of Oregon Foods: Definitions

As used in this section:

- (1) “Food processed in the State of Oregon” includes foods that were baked, frozen, ground, canned, or milled in the State of Oregon.
- (2) “Food produced in the State of Oregon” includes but is not limited to foods that were grown, caught, harvested, or raised in the State of Oregon.
- (3) “Minimally processed” means that the food product was processed in a manner that does not fundamentally alter the product and the product retains its inherent character. The term includes, but is not limited to, butchering livestock and poultry, cleaning fish, dicing meats, slicing produce, forming ground food products into patties, grinding meats, drying or dehydrating food products, and washing produce.
- (4) “Provider of center-based programs for children” means a child care center certified by the Office of Child Care, a Head Start center, an Oregon prekindergarten program, a school district, or an education service district that both provides non-residential child care services to enrolled children and participates in the federal Child and Adult Care Food Program.
- (5) “Public charter school” means a public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to ORS 338.
- (6) “Service institution” means a public or private nonprofit school, a public or private nonprofit residential summer camp, or other program sponsor that participates in the federal Summer Food Service Program.
- (7) “School district” means an Oregon common school district, joint school district, ~~or~~ union high school district, or a public charter school.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0714 Competitive Oregon Farm-to-School ~~Program-Procurement~~ Grant for Reimbursement of Oregon Foods: Establishment

(1) The purpose of the competitive Oregon Farm-to-School ~~Program-procurement~~ grant for reimbursement of Oregon Foods is to encourage and sustain successful efforts by eligible entities to purchase or promote foods that were:

- (a~~1~~) Produced in the State of Oregon;
- (b~~2~~) More than minimally processed in the State of Oregon; or
- (c~~3~~) Both produced and processed in the State of Oregon.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0717 Competitive Oregon Farm-to-School ~~Program-Procurement~~ Grant for Reimbursement of Oregon Foods: Eligibility

(1) The following entities are eligible for this grant:

- (a) School district,
- (b) Public charter school,
- (c) A provider of center-based programs for children in the Child and Adult Care Food Program, or
- (d) An entity that provides meals through the Summer Food Service Program

(2) All eligible entities shall:

- (a) Be the recipient of a noncompetitive Oregon Farm-to-School ~~Program-procurement~~ grant for reimbursement of Oregon foods; and
- (b) Have a zero balance of its initial noncompetitive Oregon Farm-to-School ~~Program-procurement~~ grant for reimbursement of Oregon foods award.

(3)(a) Eligible entities must submit their grant applications on the most current form prescribed by the Oregon Department of Education. The department shall publish the current request for applications form on the department's website.

(b) If an eligible entity that has applied for a competitive Oregon Farm-to-School ~~Program procurement~~ grant for reimbursement of Oregon foods is unable to provide the information requested in the application form, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant applications.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0720 Competitive Oregon Farm-to-School ~~Program Procurement~~ Grant for Reimbursement of Oregon Foods: Criteria

(1) The Oregon Department of Education shall establish a request for applications solicitation and approval process to be conducted each biennium for which competitive Oregon Farm-to-School ~~Program procurement~~ grant for reimbursement of Oregon foods funds are available.

(2)(a) Competitive Oregon Farm-to-School ~~Program procurement~~ grants for reimbursement of Oregon foods will be awarded to those eligible entities whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(b) The Oregon Department of Education may grant a preference to applications which address how the applicant will implement or contribute to a successful Farm-to-School operation as determined by the department. Factors that may be considered include whether the applicant has proposed:

(A) Increasing purchases of foods produced or processed in the State of Oregon;

(B) Purchasing foods produced or processed in the State of Oregon by a federally recognized Indian tribe or Native American-owned business;

(C) Implementing a plan for incorporating culturally relevant foods produced or processed in the State of Oregon into its menu;

(D) Purchasing foods produced or processed in the State of Oregon by producers or processors that have been certified or self-certified in a specific production or management practice, such as fair ~~trade~~labor, sustainability, or animal welfare;~~or~~

(E) ~~Developing new e~~Commercial relationships with producers or processors of foods produced or processed in the State of Oregon that have been certified or self-certified as disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses owned by a service-disabled veteran, or emerging small businesses under ORS 200.005~~;~~

(F) Providing education or promotion of Oregon foods;

(G) Healthy foods (for example fruits and vegetables, minimally processed beans and grains)-;

(H) Purchases directly from producers and processors, rather than through a broad-line distributor, unless they meet some of the criteria above;- or

(I) Matching Oregon purchases with their own funds with at least a 25% match.

(3) The Department of Education will apply the Oregon Equity Lens when administering this grant including when determining resource allocation and making strategic investments.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0723 Competitive Oregon Farm-to-School ~~Program Procurement Grant~~ for Reimbursement of Oregon Foods: Funding

(1) The Oregon Department of Education will award competitive Oregon Farm-to-School ~~Program procurement grant~~ for reimbursement of Oregon foods for each biennium. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(2) An eligible entity which receives a competitive Oregon Farm-to-School ~~Program procurement grant~~ for reimbursement of Oregon foods:

~~(a) May use the grant to supplant purchases of food produced or processed in the State of Oregon that the eligible entity had regularly purchased prior to the date it first received a noncompetitive Oregon Farm to School Program procurement grant if either the food produced or processed, or the food components of that food, were:~~

~~(A) Produced in the State of Oregon;~~

~~(B) More than minimally processed in the State of Oregon; or~~

~~(C) Both produced and processed in the State of Oregon.~~

~~(ba)~~ May reserve up to twenty-five percent of the total amount awarded for all reasonable costs incurred:

(A) Growing, harvesting, processing, packaging, sourcing, or transporting food produced or processed in the State of Oregon, including but not limited to purchasing supplies, infrastructure, labor costs, and mileage; and

(B) Developing or sustaining successful efforts to purchase or promote foods produced or processed in the State of Oregon.

(eb) May not use more than ten percent of their total award for any direct administrative costs, including administrative labor and supplies.

~~(d) May not charge indirect costs to their grant award.~~

(3) The purchase of certain foods produced or processed in the State of Oregon may not be supplanted with grant funds. The Oregon Department of Education shall develop and publish a list of those foods. Recipients of a competitive Oregon Farm-to-School ~~Program procurement~~ grant for reimbursement of Oregon foods may not use their grants to supplant purchases of foods produced or processed in the State of Oregon that are included on the current list of ineligible foods published by the department.

(4) Recipients of a competitive Oregon Farm-to-School Program procurement grant must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, or assign those funds a separate account or index number.

(5) The Oregon Department of Education may reallocate competitive Oregon Farm-to-School ~~procurement~~ grant for reimbursement of Oregon foods funds to other eligible entities if grant funds either remain after awards are made or become unobligated, or if a grant recipient is not making adequate progress towards spending all of its grant award during the biennium in which the award was made.

(6) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the Oregon Department of Education at the end of the biennium, unless otherwise determined by the department.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

581-017-0726 Competitive Oregon Farm-to-School Program Procurement Grant for Reimbursement of Oregon Foods: Reporting

(1) The Oregon Department of Education shall publish performance measures for recipients of a competitive Oregon Farm to School ~~Program procurement~~ grant for reimbursement of Oregon foods in the request for applications and any related guidance documents produced by the department.

(2) The department shall provide grant recipients with a template for an interim and final grant report. To receive the final disbursement of grant funds, grant recipients must submit both a completed interim and final grant report to the department.

Statutory/Other Authority: ORS 336.431

Statutes/Other Implemented: ORS 336.431

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 3.C.

<p>SUBJECT: 581-053-0330 Rules Pertaining to Type 10 Drivers STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & Fingerprinting Unit</p> <p>Propose changes to Type 10 pupil transportation rule to clarify what is permissible during operation with a trailer, while maintaining a non-commercial standard and ensuring a vehicle is not overloaded.</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

ODE’s administrative rules allow for pupil transportation in non-school bus vehicles for various purposes. The designation of “Type 10” vehicle is defined as follows:

OAR [581-053-0003](#) Definitions

The following terms used in OAR chapter 581, division 53 shall be defined as follows:

...

(33) School Activity Vehicle Types:

(a) “Type 10 vehicle” means a vehicle that has a capacity of not more than ten persons, a gross vehicle weight rating of not more than 10,000 pounds and are used to transport students to and from school or authorized school activities.

With new CTE grant opportunities introduced in the last school year, questions arose regarding what kinds of trailers, if any, an activity driver could tow with an approved Type 10 vehicle, a topic on which the rule was silent.

The proposed changes to OAR [581-053-0330](#) (Rules Pertaining to Type 10 Drivers) aim to clarify what is permissible when towing a trailer, while maintaining a non-commercial standard and ensuring a vehicle is not overloaded.

SUMMARY OF PREVIOUS BOARD ACTION

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This is the second time the Board has been presented with these proposed changes; previous presentations to the board and the ODE rules advisory committee did not yield any questions or concerns.

POLICY ISSUE OR CONCERNS

No perceived issues or concerns exist regarding these changes.

EFFECT OF A "YES" OR "NO" VOTE

If the board votes YES, our departmental ruleset will offer greater clarity around the issue of towing trailers with Type 10 vehicles.

If the board votes NO, the described ambiguity in the departmental ruleset will persist.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: proposed language change to OAR [581-053-0330](#)

DRAFT CREATED BY BD

581-053-0330 Rules Pertaining to Type 10 Drivers

(1) A type 10 driver shall:

(a) Receive specialized training designed for special education transportation prior to transporting students with disabilities.

(b) Submit written reports of accidents involving the type 10 vehicle to ODE.

(c) Report to his/her employer(s) within 15 days:

(A) Any conviction for driving or criminal offenses specified in OAR 581-053-0050;

(B) Any involvement in an accident; or

(C) If their driver license is no longer valid.

(d) Make other reports as required by the transportation entity, ODE, and DMV.

(e) Not operate a vehicle with more passengers than the manufacturer's rated capacity.

(f) Instruct passengers to use seat belts at all times the vehicle is in motion.

(g) Maintain order in the vehicle at all times.

(h) The inside of the vehicle shall be kept clean.

(i) See that all doors on the vehicle are kept closed while the vehicle is in motion.

(j) Not permit anyone else to operate the vehicle except with the permission of transportation entity supervisor.

(k) Make certain that all passageways are kept clear.

(l) Make sure all doors including emergency exits are unlocked during vehicle operation.

(m) Not use tobacco on the vehicle and shall not permit passengers to use tobacco on the vehicle.

(n) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty.

(o) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while operating or within eight hours before operating a type 10 vehicle.

(p) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation.

(q) Not permit animals in the vehicle except guide dogs and assistance animals from recognized programs that will be accepted when accompanying blind, deaf, or physically impaired persons. Guide/assistance animals or animals in training as defined in ORS 346.680 are also accepted.

(r) Not permit firearms, other weapons, or potentially hazardous materials in the vehicle.

(s) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident.

(t) Not fill the fuel tank while passengers are in the vehicle or while the motor is running.

(u) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition.

(v) Report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle.

(w) Not alter routes unless approved by transportation entity.

(x) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.

(y) Not transport students unless the vehicle is safe to operate.

(z) Observe all local and state traffic laws and ordinances.

(aa) Complete any training required by ODE or local employer.

(bb) Not use a cell phone, with or without a hands free device, while driving a type 10 vehicle unless calling 911 to report an emergency situation.

(cc) Not tow a trailer with a gross vehicle weight rating (GVWR) of more than 10,000 pounds, or of a weight greater than recommended by the towing vehicle's manufacturer or by the hitch manufacturer, whichever is less.

(2) If the type 10 is used for home to school transportation, then the driver shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:

(a) Windshield and wipers;

(b) All outside lights;

- (c) Service door, emergency door and buzzer;
- (d) Tires and wheel lug nuts;
- (e) Battery, belts, oil, and coolant level;
- (f) Horns;
- (g) Brakes;
- (h) Steering;
- (i) Exhaust system;
- (j) Emergency equipment; and
- (k) See that lights, windshield and mirrors are clean.

Statutory/Other Authority: ORS 327.013 & 820.100 - 820.120

Statutes/Other Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120

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AGENDA ITEM: 4.A.

<p>SUBJECT: Implementation of SB 486/OAR 581-022-2500 revision</p> <p>STAFF NAME & OFFICE: Angela Allen and Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>Based on Senate Bill 486, the existing OARs for 581-022-2500 require revision in order to mirror the language in the bill. Modified rules will include enhanced communication from district to schools within their district, local communities, and ODE.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> Second Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Communication of Programs and Services of Talented and Gifted (TAG) students in Oregon is an integral component of educational equity, transparency, and accountability. Once a student is identified, students are required by statute (ORS 343.391 - 343.413) to receive special educational programs and/or services. Districts are required annually to report status of compliance specific to OAR 581-022-2500, which includes a district TAG plan. Rules pertaining to district TAG plans were initially introduced to the State Board of Education in 2012 after HB 2180 passed during the 2011 Legislative Session.

During the 2021 Legislative Session, SB 486 was introduced and passed. The bill amends rules in 581-022-2500 specific to district TAG plans. Based on SB 486, the existing rules must be modified to reflect the enhanced communication of districts outlined in the bill. The improved communication will provide local communities and the Department with pertinent information regarding district TAG contacts that must be updated annually. In addition to contact information, districts are required to post their TAG plans on their district websites and have these plans readily available to send to schools within their district upon request. The amended rules also calls out parents' rights, as cited in 581-022-2330, to be included in district TAG plans.

Community Voice/Input:

Prior to SB 486 passing:

- The Oregon Association for Talented and Gifted (OATAG) requested this bill be based on student voice. OATAG's membership includes both families and educators who were kept informed and provided input.
- December 2020 – OATAG's President, Margaret DeLacy, informed the Department that a bill would likely be introduced regarding district TAG plans. The data she collected from OATAG members, OATAG Board members, parents throughout Oregon, and district representatives throughout Oregon, were conveyed to the Talented and Gifted Education Specialist at the Department.

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- The bill had a thorough hearing in the Senate Education Committee. Numerous parents and students testified. A second hearing in the House Education Committee. This testimony can be found at:
<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Testimony/SB486>
- The proposed amendments to OAR 581-022-2500 were originated, supported, and reviewed by students, parents and the community prior to the bill being signed by Governor Brown in June 2021.
- Additionally, SB 486 was reviewed by Coalition of Oregon School Administrators (COSA), the Oregon Education Association (OEA) and Oregon School Board Association (OSBA). The bill was amended at the request of COSA and the OSBA.

Upon passing:

- July 2021 – ODE’s TAG specialist met with OATAG’s president, Margaret DeLacy regarding the implementation of SB 486.
- August 2021 – Draft rules pertaining to 581-022-2500 were shared with ODE’s TAG technical advisory group.
- September 2021 – Draft rules were presented to the Rules Advisory Committee (RAC).
- October 2021 – Information about the new rules were shared via newsletter to the TAG listserv (748 recipients) explaining SB 486 and the revision of OAR 581-022-2500 based on the implementation of SB 486. Embedded in the newsletter was a link to the draft rules, a survey using Google Forms, and a link to open office hours via Zoom for those who had questions or wanted to provide feedback.
- November 2021 – The rules were shared with the RAC in the, “Rules-at-a-Glance” session of the meeting.
- Current – Continued information shared via TAG listservs, presentations to districts, and information posted on the TAG webpage

SUMMARY OF PREVIOUS BOARD ACTION

A first read of the rules was presented to the State Board of Education at the December 2021 meeting.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

The intention of the rules is to provide clear communication from the district to its local community, parents and families, students, district staff, and to the Oregon Department of Education. The

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Department specifically reached out to district-level TAG leadership in an effort to receive feedback regarding potential impact (fiscal and equity-based) if the proposed draft rules were adopted by the State Board of Education.

The Office of Indian Education determined a tribal consultation was not necessary.

If the rules are adopted by the Board, ODE will revise the template that districts currently use to write their TAG plans. In the revision of the template, there will be questions specific to addressing underrepresented populations regarding equitable identification practices, communication, and goals.

Based on feedback from a survey sent to the TAG listserv (over 740 recipients), open office hours via Zoom for district TAG contacts (invitation sent via TAG listserv), and two presentations to the Rules Advisory Committee, there is not a foreseen barrier at this time for districts to successfully implement the rules provided by SB 486.

EQUITY IMPACT ANALYSIS

Historically underrepresented populations are disproportionately identified as TAG in Oregon, as well as nationally. Efforts to address and resolve the inequities are included in the revision of rules specific to identification (581-022-2325) which connects with the rules for programs and services (581-022-2500). The revised template districts will use to write their TAG plans will include a section that specifically addresses underrepresented populations. Districts will communicate within their TAG plans how they address equitable identification procedures and practices as well as services and/or programs provided to TAG identified students.

FISCAL ANALYSIS

There is no fiscal impact of the rule change.

EFFECT OF A "YES" OR "NO" VOTE

If the Board adopts the modified and revised rules for 581-022-2500, districts will align their programs and services with parent rights and improve the communication of their plan with their district partners as well as the state.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1:

Oregon State Board of Education

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AGENDA ITEM: 4.A.

Copy of draft rules 581-022-2500

581-022-2500 Programs and Services for Talented and Gifted Students

~~(1) Each school district shall submit to the Oregon Department of Education a written plan of instruction for talented and gifted children on a date and in a format provided in guidance documents provided by the Oregon Department of Education. The plan shall include, but not be limited to: Each school district shall have a written plan for programs and services beyond those normally provided by the regular school program in order to realize the contribution of talented and gifted children to self and society.~~

~~(2) The written plan for programs and services for talented and gifted children shall be submitted to the Oregon Department of Education on a date and in a format provided in guidance documents provided by the Oregon Department of Education.~~

~~(3) The written plan shall include, but is not limited to:~~

(a) A statement of school district policy on the education of talented and gifted children;

(b) An assessment of current special programs and services provided by the school district for talented and gifted children;

(c) A statement of school district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;

(d) A description of the nature of the special programs and services which will be provided to accomplish the goals; and

~~(e) A requirement that each talented and gifted child and the child's parents have the opportunity to discuss with the school district the programs and services available to the child and to provide input on the programs and services to be made available to the child;~~

~~(f) A plan for evaluating progress on the school district plan, including each component program and service;~~

~~(g) The name and contact information for the school district's coordinator of special educational services and programs for talented and gifted children.~~

~~(2) (a) For a plan described in subsection (1) of this section, a school district shall:~~

~~(A) Provide the plan when requested at any of the schools of the school district or at the school district's main office; and~~

~~(B) Provide the plan on the school district's website.~~

(b) A school district must provide the name and contact information for the school district's coordinator of special educational services and programs for talented and gifted children:

(A) To the Department of Education annually; and

(B) On the school district's website in the manner prescribed by the department.

(43) The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.

(54) Assessments for the development of an appropriate academic instructional program shall include the information used by the team for identification purposes and also may include one or more of the following:

(a) An academic history which may include grades, portfolio assessment records or other progress records and achievement information that demonstrates the student's level of learning and rate of learning;

(b) Other evaluation methods such as formal tests or informal assessment methods designed by teachers to determine the student's instructional level and rate of learning related to specific academic programs;

(c) Student interest, style, and learning preferences information from inventories or interviews; and

(d) Other measures determined by the school district to be relevant to the appropriate academic instructional program for the student.

Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051



Senate Bill 486

Plans for Instruction for Talented and Gifted Students

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Angela Allen, Talented and Gifted Education Specialist
Alexa Pearson, Director of Standards and Instructional Support
Office of Teaching, Learning, and Assessment
State Board of Education - 2nd Read
January 20, 2022

Purpose of Today's Presentation

- Provide an overview of SB 486
- Review engagement and feedback
- Present next steps for successful and complete implementation of SB 486
- Consider adoption of OAR 581-022-2500 revisions

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Overview of SB 486

- Amends ORS 343.397 - Plan of Instruction for Talented and Gifted Children
- Revision of OAR 581-022-2500 to mirror SB 486 requirements
- Revision of ODE's district-level TAG template to mirror SB 486 requirements
- Provides enhanced communication measures:
 - ◆ Districts will update and **provide name and contact information of the school district's TAG coordinator** annually with ODE and on school district's website.
 - ◆ Districts level **TAG plans must be posted** on school district's website and made readily available to post/share at building levels.
 - ◆ TAG identified student and their parents have the **opportunity to discuss the programs and services** available to the child and provide input on the programs and services received by the student.

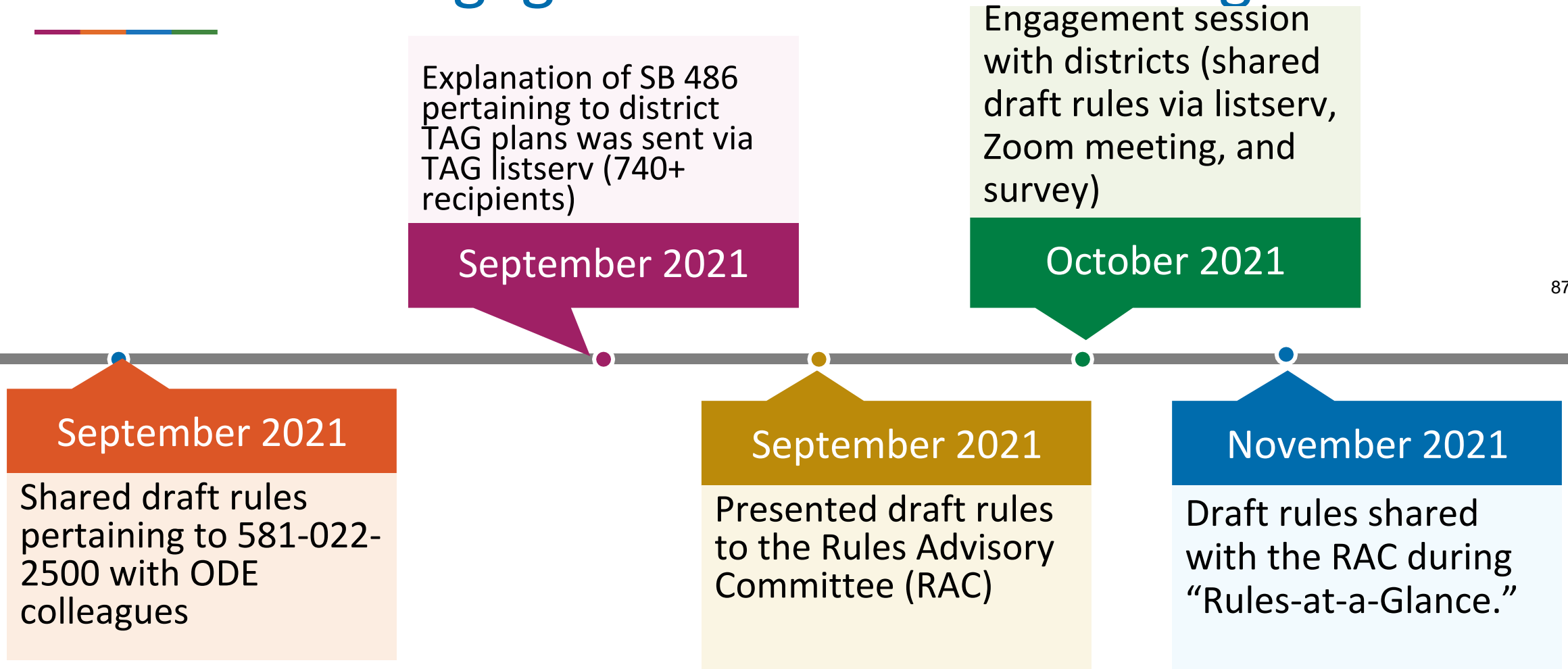
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Engagement: Prior to Bill Passage

- The proposed amendments for SB 486 were initiated, supported, and reviewed by students, parents and the community.
- Oregon Association for Talented and Gifted (OATAG) requested this bill; OATAG's membership includes both families and educators
- Senate Education Committee hearing included parent and student testimony
- Additional hearing in House Education Committee also included testimony from parents and students
- Reviewed by Coalition of Oregon School Administrators (COSA, the Oregon Education Association (OEA), and Oregon School Board Association (OSBA).
- Amended at the request of COSA and OSBA prior to passage in June 2021.

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Timeline of Engagement and Rule Writing Process



Engagement Session Highlights

- Student, parent, and community partnerships
- Testimonies provided by students and parents
- Fifty-one districts engaged with the Department regarding SB 486 through a variety of pathways (phone conversations, emails, Zoom engagement session, and survey).

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Next Steps

- **February 2022 - July 2022** - Revise TAG Plan template with TAG technical advisory group (35 districts).
- **August 2022** - Share updated TAG Plan template with districts inclusive of suggested milestone dates for successful implementation and provide professional development
- **May 2023** - Districts will submit their updated TAG plan to the Department with their district TAG coordinator contact; ODE will update website
- **November 2023** - Districts report Division 22 Assurances

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AGENDA ITEM: 5.A.

<p>SUBJECT: TAG Identification/OAR 581-022-2325</p> <p>STAFF NAME & OFFICE: Angela Allen, Alexa Pearson, and Dan Farley; Office of Teaching, Learning, and Assessment</p> <p>Existing TAG Identification rules are outdated and inequitable. The revised rules specifically address culturally responsive identification practices and research-based practices rooted in educational equity. Supporting documents (toolkits and guidance) will accompany revised rules to support districts and ESDs achieve outcomes that are more equitable.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> Second Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Identification of Talented and Gifted (TAG) students in Oregon is an integral component of educational equity. Once a student is identified, students are required by statute (ORS 343.391 - 343.413) to receive special educational programs and/or services. The identification process is vital to supporting the needs of academically talented and/or gifted students in Oregon’s public schools. Districts are required annually to report status of compliance specific to OAR 581-022-2325.

Based on state and national data, feedback using surveys, meetings, and open office hours that were attended by community partners, district leaders, families and caregivers, national researchers, and state-level TAG specialists from over thirty states, the rules pertaining to TAG identification were revised considerably to create more equitable pathways of TAG identification.

In September 2020, the ODE TAG Education Specialist presented an early rule concept to the Rules Advisory Committee (RAC) to share the vision of revising the TAG identification rules to achieve more equitable opportunities, access, and outcomes for students who are currently overlooked or marginalized in the TAG identification process.

The TAG identification draft rules are a culmination of voice and collaboration from districts and education-based partners, including ESDs and Oregon Association for Talented and Gifted (OATAG), throughout Oregon, in conjunction with input from various offices within ODE, national gifted education researchers, and state-level gifted education specialists.

The functions of the revised rules will elevate and center equity by addressing the use of local norms, culturally responsive practices, local assessments, multiple modes and methods of collecting evidence, and other indicators of giftedness based on research, such as accelerated

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language acquisition and advanced vocabulary in any language. The revisions also include language that connects TAG identification to TAG programs and/or services provided by the district.

Based on survey feedback as well as qualitative data shared during office hour sessions, meetings, and professional development opportunities, a pattern of marginalization and harm were recurring outcomes using the category of, "Potential to Perform." Therefore, the category of, "Potential to Perform" has been removed in an effort to cease unintended, perpetual harm. Also removed from the current rules is deficit-based language and the 97th percentile threshold as a standard to exclude further consideration of talent and/or giftedness.

Partner Voice/Input

September 2020 - Conducted a survey through the TAG listserv (740+ contacts) specific to the identification process, especially the rule pertaining to "Potential to Perform."

September 2020 - Created a technical advisory committee and began meeting to discuss the revision of TAG identification rules through the lens of ODE's equity stance, current equity research in gifted education, and applicable local (district) barriers that impede equitable identification. The technical advisory group is composed of 32 districts throughout Oregon including representation from small and rural districts.

September 2020 – September 2021 - The technical advisory group met five times to review feedback from national researchers, gifted education state leaders throughout the country, and education-based community partners and organizations.

September 2020 – November 2021 – Monthly meetings, email conversations, and document/feedback sharing with national researchers and colleagues (ODE and national).

April 2021 – December 2021 - Partnered with Dr. Dan Farley, Director of Assessment in the Office of Teaching, Learning, and Assessment

May 2021 – December 2021 - Partnered with gifted education specialists from North Carolina and Dr. Matthew Makel from Johns Hopkins University. Partnership was centered on equitable identification and matching local identification with local services.

August 2021 – Informational Presentation at the Oregon State Board of Education Retreat

August 2021 – Disseminated draft rules to colleagues working in the offices of: Teaching, Learning, and Assessment; Indian Education; Equity, Diversity, and Inclusion; Enhancing Student Opportunities.

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September 2021 – Rules Advisory Committee presentation; received feedback from several members

September 2021 – Met with OATAG president

September 2021 – November 2021 – met with five RAC members individually (1 hour each) to listen to concerns and feedback. The voice and partnership of all five RAC members are included in the revised rules.

November 2021 – Met with OATAG president and two board members. Their voice and partnership are included in the revised rules.

November 2021 – Draft of revised rules was shared with thirty gifted education state leaders in twenty-five states to provide feedback.

November 2021 – Held open office hours for districts (invitation sent through the TAG listserv) to review the draft of revised rules and provide input.

January 2022 – Held three open engagement sessions for district educators and parents (invitation sent through the TAG listserv) to review the draft of revised rules and provide feedback.

January 2022 – Sent out a survey through the TAG listserv and directly to district TAG coordinators to provide feedback regarding revised draft rules. Districts were invited to send out the survey to parents.

SUMMARY OF PREVIOUS BOARD ACTION

An informational presentation was given to the State Board of Education at the August 2021 retreat. The board asked questions and provided feedback. No action was taken.

First reading was presented in December 2021. No action was taken.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows: Based on public comment and feedback from state and national partners, minor language edits were made to the revised rules and noted through the track changes feature on the document.

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POLICY ISSUE OR CONCERNS

Compliance of the identification rule changes as reported through the Division 22 standards process will not be reported by districts until November 2023. Districts already have policies and procedures for TAG identification and will receive a toolkit and guidance developed by district leaders throughout Oregon to support their improved identification practices.

Districts have been working intentionally on improving research-based equitable identification practices since 2015. While our state data shows that districts have improved their TAG identification practices and increased TAG identification among historically underrepresented and marginalized communities, the revised rules will move our work forward to obtain a more just and equitable identification process. Given the disproportionality of identification of our underrepresented populations in conjunction with the challenges that districts are navigating specific to their current identification practices, the revised rules are intended to provide districts with multiple pathways in gathering evidence to determine TAG identification. Many districts will have to revise their policies and practices to reflect more equitable pathways.

Partners were intentionally involved to create a collective voice for the state of Oregon as well as ensuring our draft rules are based on equity-based gifted education research. It was important to have representation from districts of all sizes throughout Oregon.

The use of local norms will create equitable identification of all students, including students who are historically underrepresented and underserved. This will connect identification to local services and/or programs.

There is anticipation of a steep learning curve and a need for support from ODE as districts implement new identification rules. There will be a toolkit and guidance document published by August 2022 to provide districts with pertinent information specific to local norms, assessments, resources, promising practices that also highlight districts throughout Oregon, and presentation templates designed to inform parents of changes to the identification rules. Templates will be translated into languages based on ODE's Communications guidelines.

EQUITY IMPACT ANALYSIS

Historically underrepresented populations are disproportionately identified as Talented and Gifted. Districts throughout Oregon as well as collegial partners from over thirty states have expressed concerns regarding potential harm and perpetuation of perception, disparities, and inequities if our current identification practices proceed without caution, consideration, or complete interruption. The adherence to traditional policies that perpetuate harm and create an invisibility of our historically underrepresented and marginalized communities, must be resolved.

The revised rules specifically address students that have traditionally been omitted from the identification process, especially those from historically underrepresented and underserved communities. The intention is to increase the equity of identification which corresponds with instructional services that TAG identified students receive.

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FISCAL ANALYSIS

The fiscal impact to districts will be minimal. Based on new rules, districts (and ESDs) will train their district-level TAG coordinator/administrator in identification practices. The TAG Education Specialist at ODE will provide the training through multiple platforms (in-person, teleconference, and pre-recorded webinars) and at no cost to the districts.

Districts will be encouraged to use local assessments and existing assessments rather than purchasing new assessment materials. However, many districts have expressed purchasing new and updated assessment materials specific to TAG identification. While this is not mandated, it is a notable trend.

As districts revise their identification practices, the resource of “time” to train other staff (building level TAG personnel) may also cause fiscal impact.

EFFECT OF A “YES” OR “NO” VOTE

If the Board adopts the revised rules for 581-022-2325, districts will improve their identification practices through the lens and expectation of equity. Districts will also align identification with the programs and services their districts offer creating a means to identification.

If the Board does not adopt the revised rules, currently and historically marginalized students will continue to be under-identified and underserved for TAG services.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other (ODE)

ATTACHMENTS

Attachment 1:

Draft rules 581-022-2325

581-022-2325 Identification of Academically Talented and Intellectually Gifted Students

(1) Each school district shall have ~~local district~~ policies and procedures for the identification of talented and gifted students as defined in ORS 343.395, ~~who demonstrate outstanding ability or potential in one or more of the following areas:~~

(a) ~~General intellectual ability as commonly measured by measures of intelligence and aptitude. This population of students demonstrates exceptional performance when compared to applicable relevant developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.~~

(b) ~~Unusual academic ability in one or more academic areas. Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their needs.~~

(2) ~~In the identification of talented and gifted students, district~~ The policies and procedures ~~shall~~ must meet the following requirements:

(a) ~~Provide professional development for~~ Districts shall use research-based best practices to identify students from underrepresented populations including: ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse, or economically disadvantaged. ~~Train those responsible for identification of students who are talented and gifted;~~

(b) ~~Use evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of talented and gifted students under ORS 343.395. A team shall make the final decisions on the identification of students using the information collected under paragraphs (c) and (d) of this section. No single test, measure or score shall be the sole criterion. A record of the team's decision, and the data used by the team to make the decision, shall become part of the education record for each student considered.~~

(c) ~~Utilize and collect and use~~ multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student's identification team to make a determination about the identification and eligibility of the students for talented and gifted services, supports, and/or programs; ~~with no single test or piece of evidence eliminating a student from eligibility.~~ Districts shall collect behavioral, learning and performance information and include the information in all procedures for the identification of students.

(d) Use Distinguish methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:

(A) Students who are racially/ethnically diverse;

(B) Students experiencing disability;

(C) Students who are culturally and/or linguistically diverse;

(D) Students experiencing poverty; and

(E) Students experiencing high mobility. The following measures and criteria for identifying the intellectually gifted and the academically talented shall be used by the team:

(A) Intellectually gifted students shall score at or above the 97th percentile on a nationally standardized test of mental ability; and

(B) Academically talented students shall score at or above the 97th percentile on a test of total reading or a test of total mathematics from a nationally standardized test battery, a nationally standardized test of reading or mathematics, or a test of total English Language Arts/Literacy or total mathematics on the Smarter-Balanced Assessment.

(e) Incorporate assessments, tools, and procedures, that will inform the development of an appropriate plan of instruction for students who are identified as talented and gifted and describe how information from the assessments, tools and procedures used in the identification for talented and gifted students will be used to support development of the plan of instruction.

(f) Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team's decision and the procedures and data used by the team to make the decision.

(3) The following sources of evidence may be used by the identification team to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness:

(a) Local Performance Assessment data, as defined in OAR 581-022- 2115, using local norms (building or district),

(b) National and/or state standardized assessment data using national and/or local norms (building or district),

(c) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language Research-based rating scales,

(d) Research-based comprehensive observational instruments, or

(e) Learning progressions, performance tasks, work samples, and other measures provided by the Department of Education.

(4) Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon's content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment across the depth, breadth, and complexity of Oregon's content standards or documentation of intended use for the purpose of talented and gifted identification.

(5) Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations.

(6) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language. Despite a student's failure to qualify under paragraphs (d) (A) and (B) of this subsection, districts, by local policies and procedures, shall identify students who demonstrate the potential to perform at the 97th percentile.

~~(367)~~ School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and provisions, if the students demonstrate outstanding ability or potential in one or more of the following areas:

- (a) Creative ability in using original or nontraditional methods in thinking and producing.
- (b) Leadership ability in motivating the performance of others either in educational or non-educational settings.
- (c) Ability in the visual or performing arts, such as dance, music or art.

Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051



Identification of Talented and Gifted Students

OAR 581-022-2325

Angela Allen, Talented and Gifted Education Specialist
Alexa Pearson, Director of Standards and Instructional Support
Dan Farley, Director of Assessment
Office of Teaching, Learning, and Assessment
State Board of Education - 2nd Read
January 20, 2022

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Why Change the Rules?

- Compelling data
- Alignment to ODE's Equity Stance
- “Doing nothing *is* doing something”



Current Practice and Definitions

Dominant culture lens

Intellectually Gifted = Ability or IQ

Academically Talented = Achievement

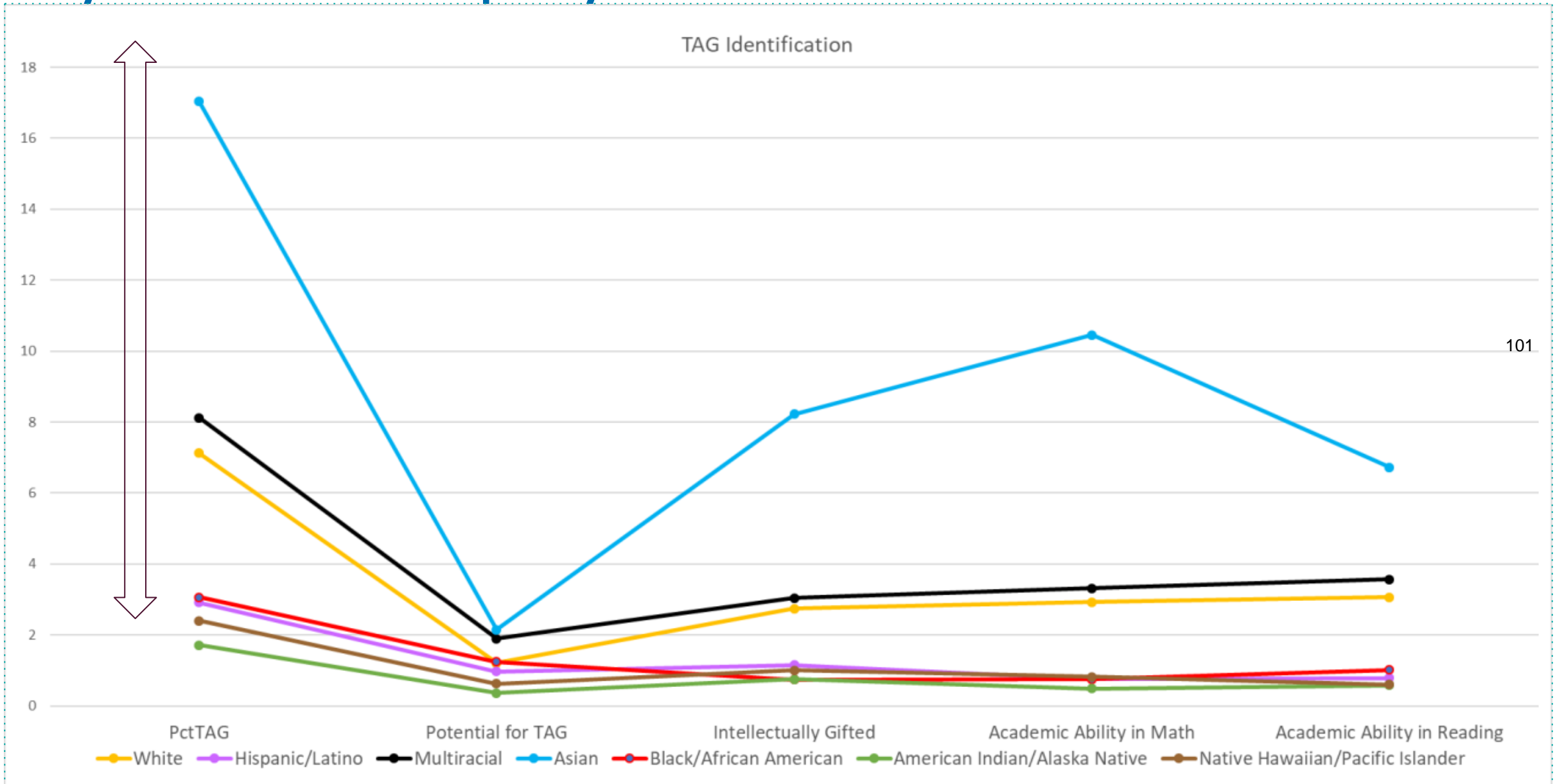
Potential to Perform = Student has not met the 97th percentile threshold

100

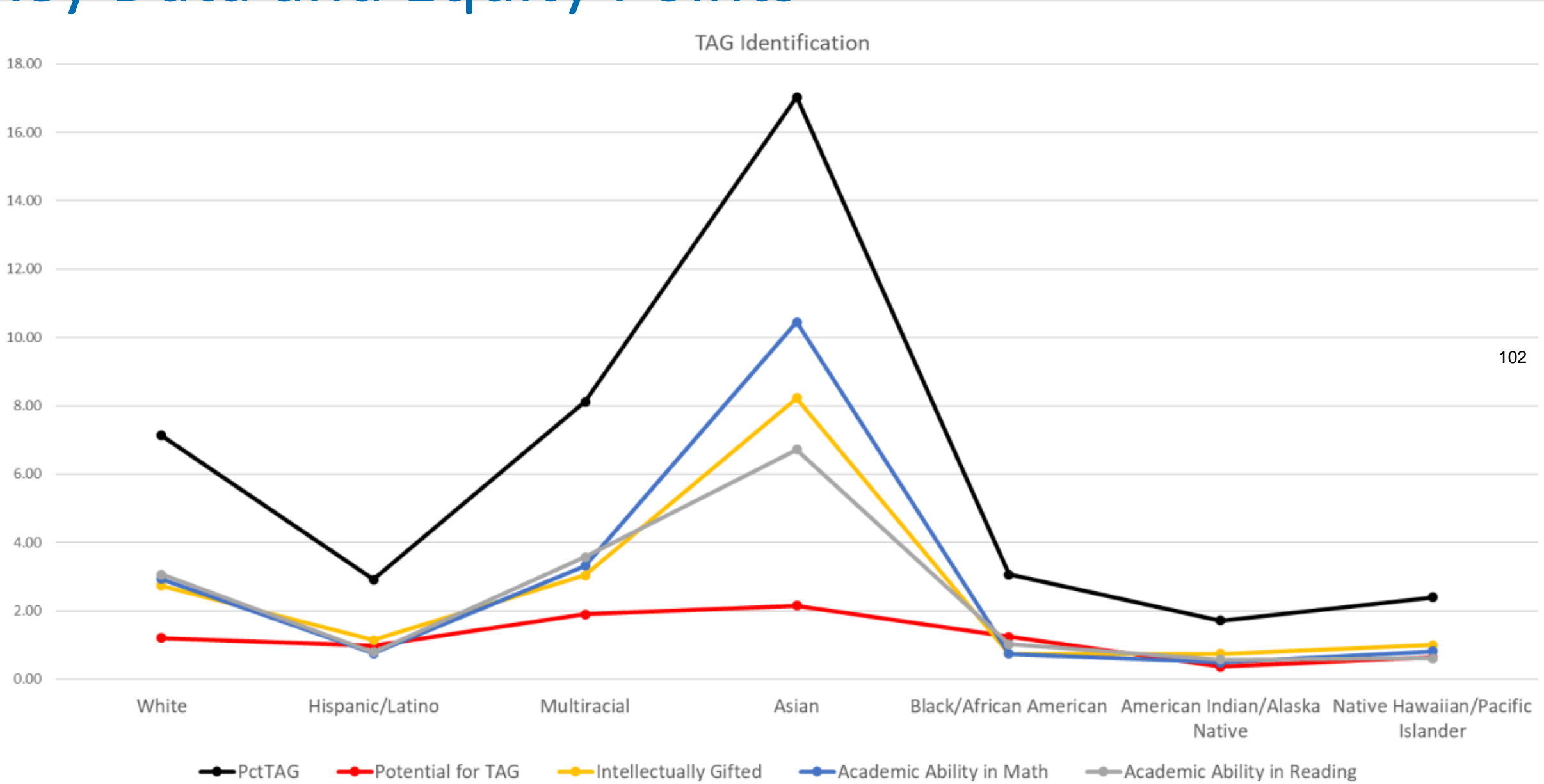
ORS 343.395 -(4) “Talented and gifted children” means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas: (a) General intellectual ability as commonly measured by measures of intelligence and aptitude. (b) Unusual academic ability in one or more academic areas.

**Does not include the category of Potential to Perform, and does not require a percentile threshold, does not limit academically talented to math and reading.*

Key Data and Equity Points



Key Data and Equity Points



Inequities

“It’s so predictable, it’s measurable.”

Current rules yield dichotomous results (beneficiaries and marginalized)



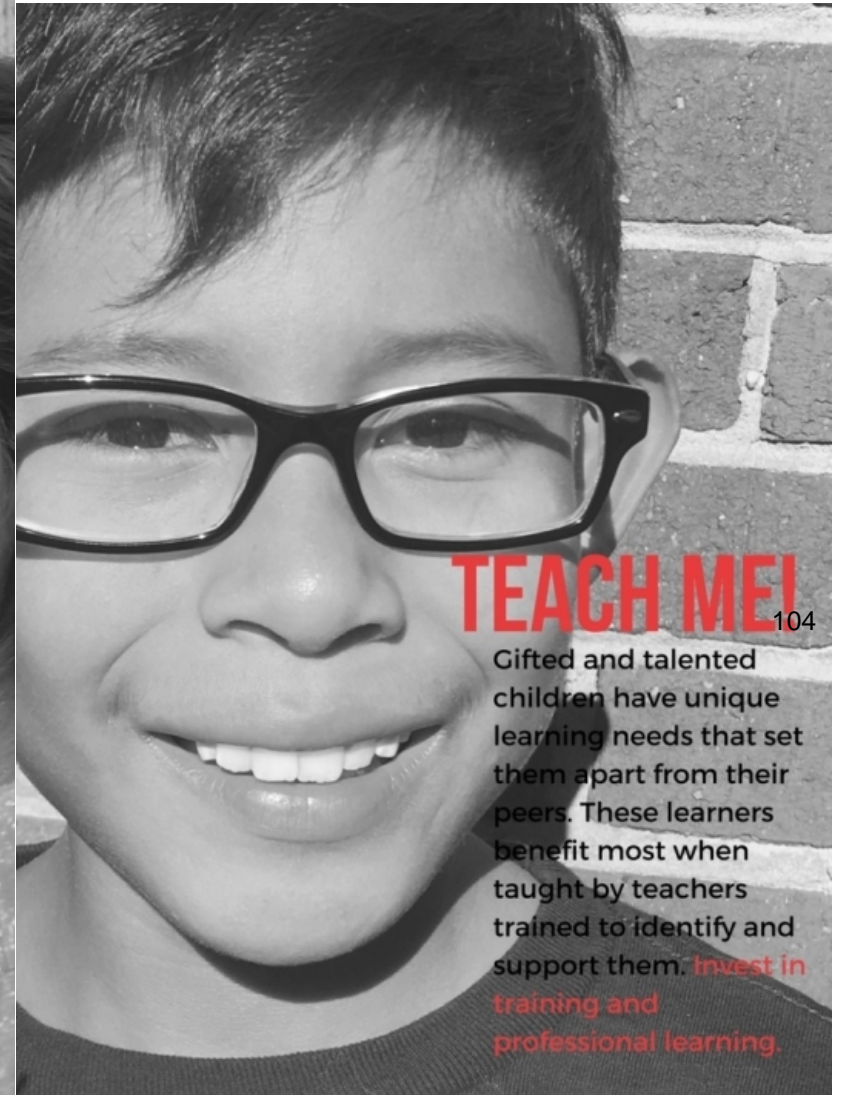
National Lens



SEE ME!

High-achieving children in poverty and from minority groups are **2.5X LESS** likely to be identified for, and served in, gifted and talented programs in schools. **Children deserve fair identification strategies.**

Join the movement to **SEE, UNDERSTAND, TEACH,** and **CHALLENGE** gifted and talented children from all backgrounds. Sign up to be part of the *Giftedness Knows No Boundaries* team.



TEACH ME!

Gifted and talented children have unique learning needs that set them apart from their peers. These learners benefit most when taught by teachers trained to identify and support them. **Invest in training and professional learning.**

Join the movement to **SEE, UNDERSTAND, TEACH,** and **CHALLENGE** gifted and talented children from all backgrounds. Sign up to be part of the *Giftedness Knows No Boundaries* team.



OAR 581-022-2325 Revisions

Adding Pathways, Meaning, and Context

- Culturally responsive
- Aligning to definitions in ORS 343.395
- Means to services or programs
- Local norms
- Local assessments (OAR 581-022-2115)
- Multiple modes and methods of gathering data
- Training/professional development requirement (ODE will train district TAG leadership)
- ODE will provide resources and toolkits

- Centering Equity

Removing Barriers

- SEA/OAR percentile threshold
- Potential to Perform
- Deficit-based language (“despite,” “failure to, etc.)
- Outdated and offensive language (reference to student populations)

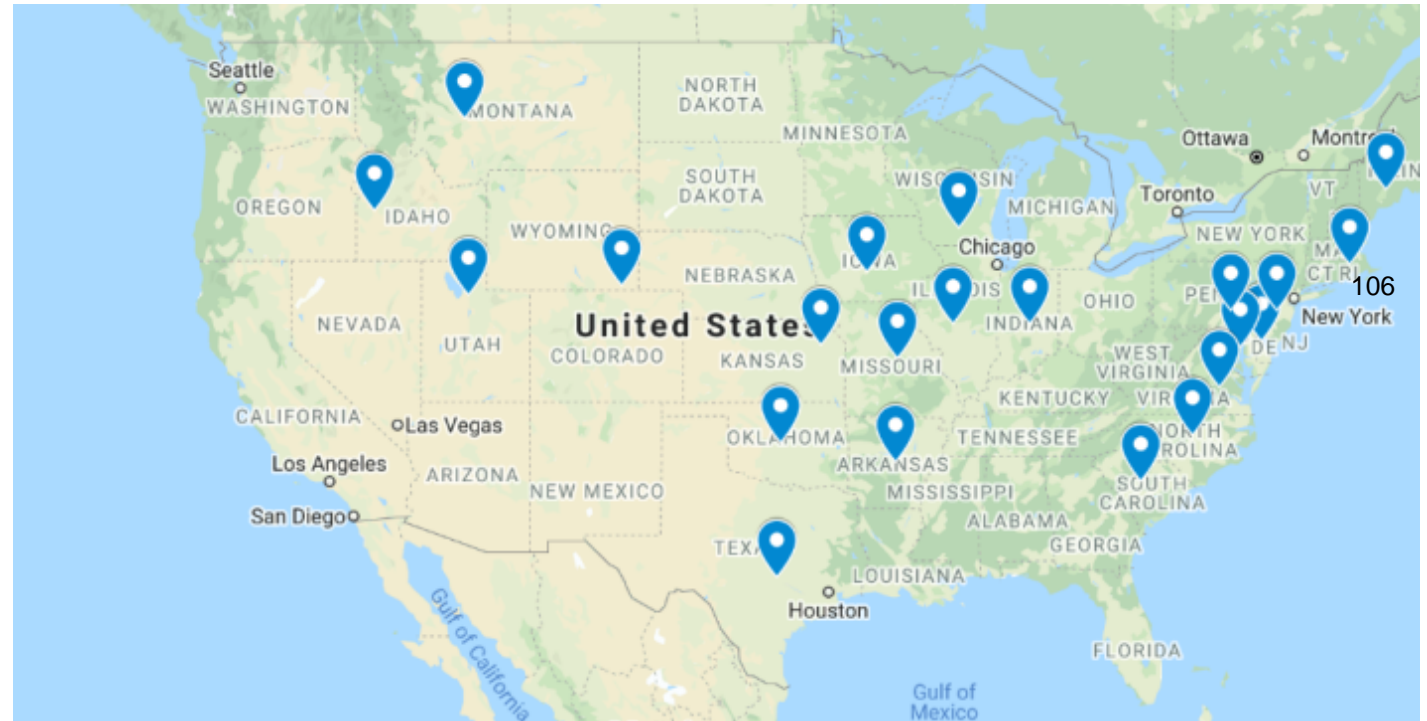
105

LEA-Defined Percentile Thresholds, Methods, and Criteria for Identification

Matching identification with services:

- “Is the student gifted?” or
- “Does the student require specialized instruction beyond the general classroom to foster their academic growth?”

The label is the means; service is the goal.

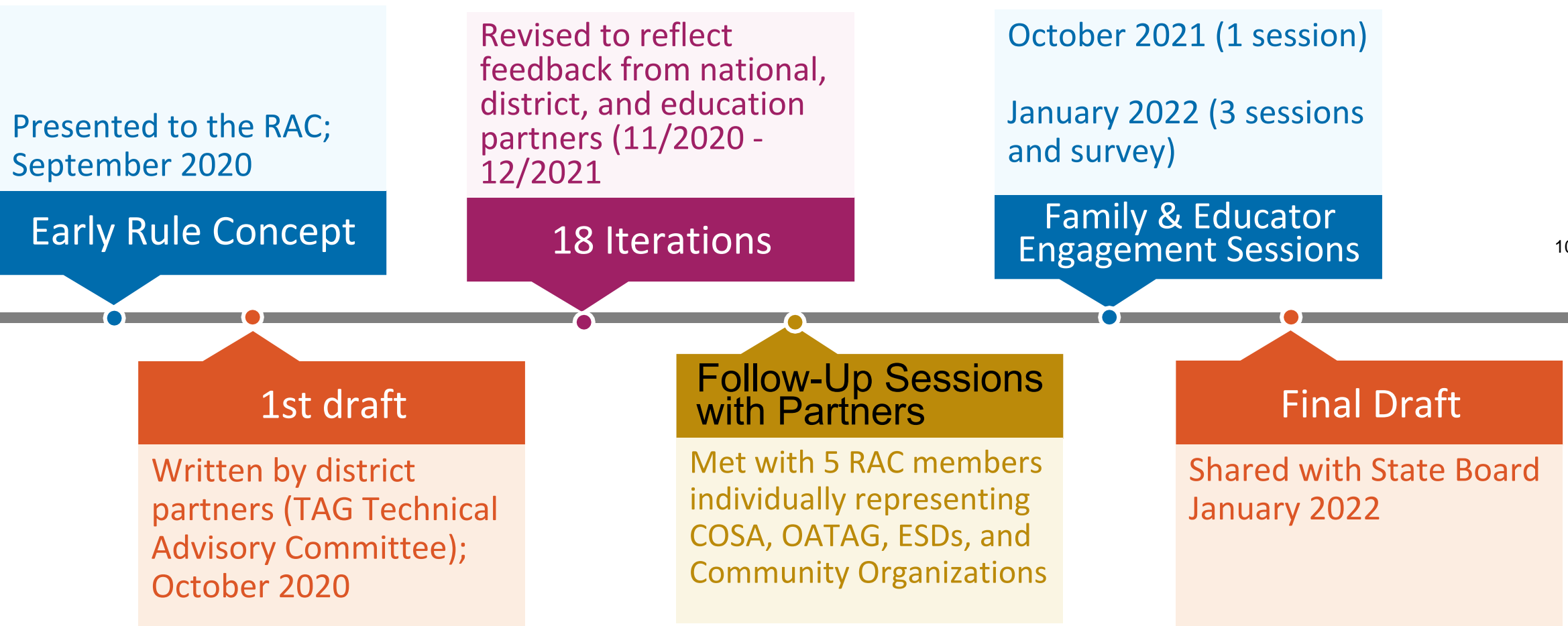


How Did We Get Here?



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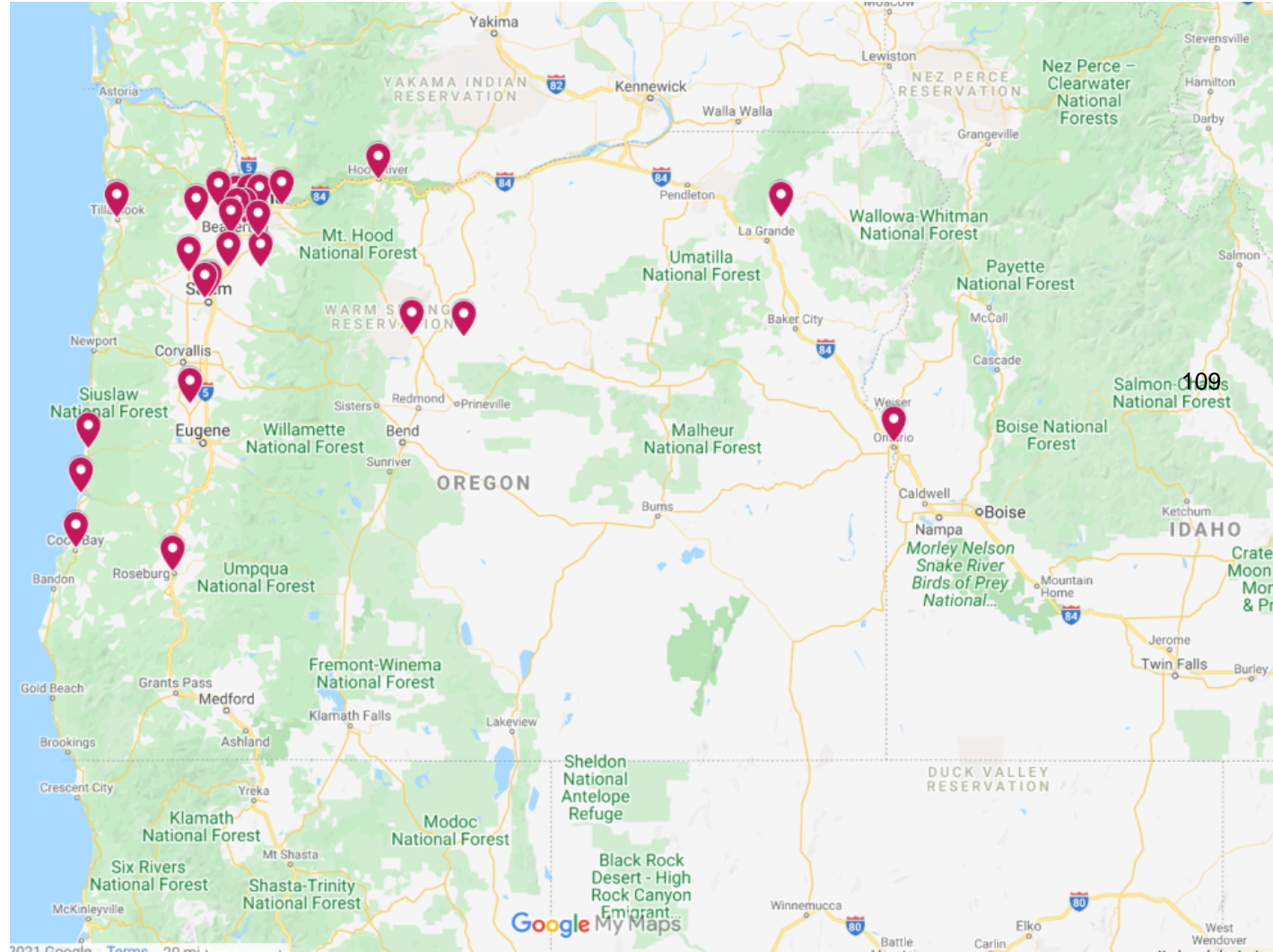
Engagement and Rulewriting



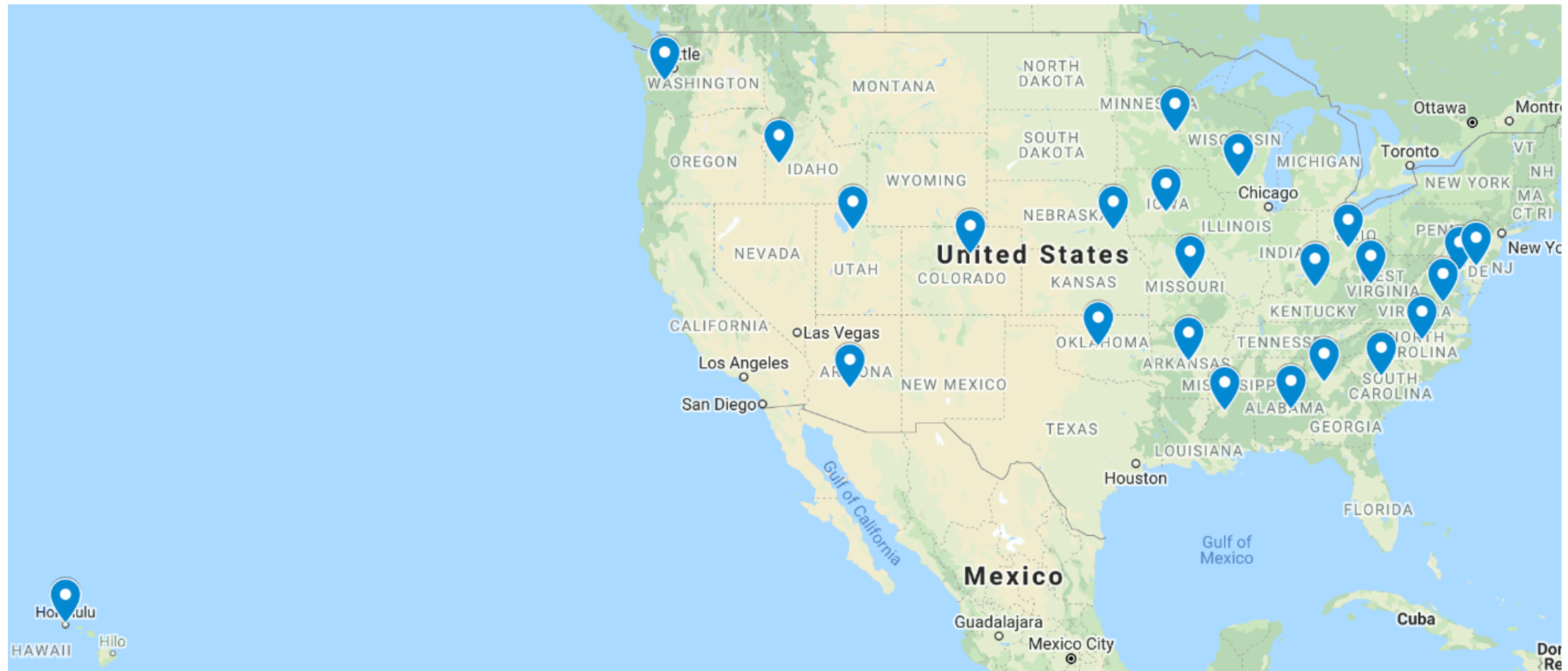
District Representation

Started with 17 districts and grew to 35 -
“TAG Technical Advisory Committee”

Small, rural, medium, virtual, and large
districts



National Partners

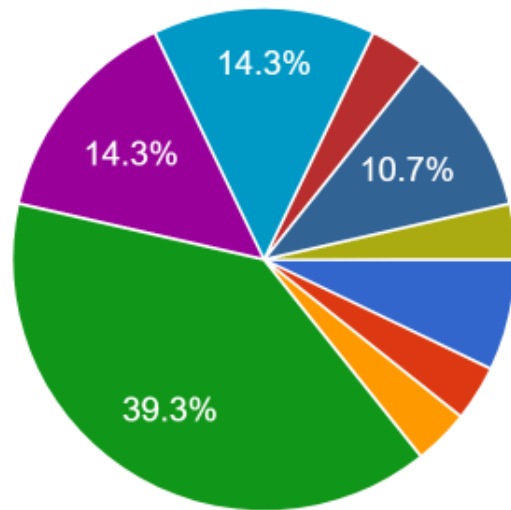


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Engagement Survey Data

Region

28 responses



- North Coast
- Central Coast
- South Coast
- Portland Metro Area/North Valley
- Central Valley
- Southern Oregon
- Columbia River Gorge
- North-central Oregon
- Central Oregon
- South-central Oregon
- North-eastern Oregon
- Eastern Oregon
- South-eastern Oregon

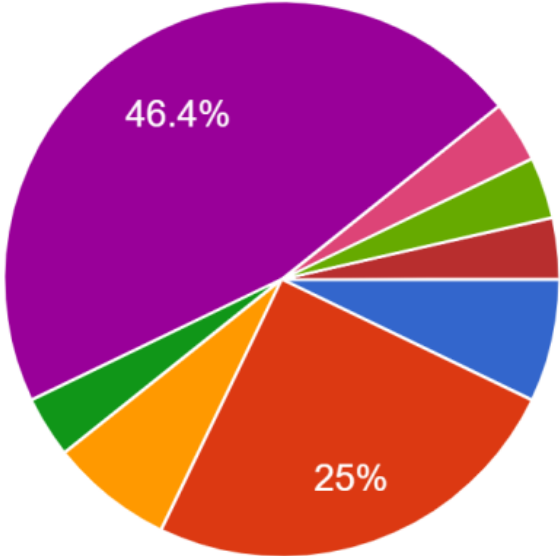
▲ 1/2 ▼

▲ 2/2 ▼

Role in TAG Education

What is your role in TAG education?

28 responses



- District-level TAG leadership (administrator)
- District-level TAG leadership (TOSA, i...)
- Building-level TAG leadership
- Building-level educator/teacher
- Parent or Guardian
- Student
- Building level educator/teacher
- Teacher
- District level TAG leadership (administ...)

Revisions since 1st Read in December 2021

1st Read	2nd Read
<p>1 (a) This population of students demonstrates exceptional performance when compared to relevant development or learning progressions, with consideration for variation in student opportunity to learn and cultural relevance.</p>	<p>1 (a) This population of students demonstrates exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.</p>
<p>1 (b) Students identified as talented and gifted require differentiated instructional services and/or programs.</p>	<p>1 (b) Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their strengths and needs.</p>
<p>2 (a) Provide for the training of those responsible for identification of students who are talented and gifted;</p>	<p>2 (a) Provide professional development for those responsible for identification of students who are talented and gifted;</p>

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Revisions since 1st Read in December 2021

1st Read	2nd Read
<p>2(c) Utilize and collect multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student's identification team to make a determination about the identification and eligibility of the students for talented and gifted services, supports, and/or programs</p>	<p>2(c) Collect and use multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student's identification team to make a determination about the identification and eligibility of the students for talented and gifted services, supports, and/or programs; with no single test or piece of evidence eliminating a student from eligibility.</p>
<p>2 (d) Distinguish methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:</p>	<p>2(d) Use methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:</p>

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Revisions since 1st Read

1st Read	2nd Read
(6) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language	3 (c) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language
3 (d), (e), (f)	same language, just re-lettered
(4) Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment across the depth, breadth, and complexity of Oregon’s content standards or documentation of intended use for the purpose of talented and gifted identification.	(4) Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon’s content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of talented and gifted identification.
(7)	renumbered to (6)

Response to Feedback

97th percentile threshold	District Compliance	Training, Funding, Sustainability
Under-identify or not identify at all?	Do districts have too much discretion?	How will ODE train all district TAG leaders?
Parents challenging results of eligibility process	Is there a consequence for districts who are out of compliance?	How will this implementation be successful without funding?
Parents right to appeal the identification decision	How does ODE know if districts are reporting compliance, yet are out of compliance?	Are the toolkits, guidance documents, and resources dependent on who the TAG Specialist is at ODE?
Student mobility	Complaint/appeal process is lengthy	



National partners, exemplars, research, resources, professional development, toolkits and guidance documents, means to service mindset	Division 22 Assurances, district TAG plan (compliments of SB 486), partnerships, proactive approaches, and training modules.	Training modules, collaboration with district and national partners, materials will likely be updated regardless of who the TAG Specialist is and proactively provided to districts.
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Synergize Efforts

- SB 486 - District TAG Plans
- Biliteracy Seal
- Access to Linguistic Inclusion
- Collaborating cross office/area of specialty
- Adapting materials from national partners
- Mindsets



Timeline of Implementation

Form committees designated to areas of expertise/interest:

- Communication Toolkit
- Promising Practices
- Identification Guidance
- TAG Plan template (update)

February 2022

- Hold monthly open office hours
- Toolkit and guidance development
- Develop Professional development content

March - August 2022

Ongoing trainings and support

- In-person
- Asynchronous
- Synchronous (teleconference)

September 2022 - August 2023

Districts report Division 22 assurances

November 2023

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March 2022

- SBE Adoption
- Continue working with ODE's Office of Accountability
- Develop Toolkits

August 2022

- Begin PD for district-level TAG coordinators
- Release guidance, toolkits, and promising practices documents

Continuous Loop

- Monitor feedback regarding implementation, challenges, and success.
- Provide PD and technical support

Conclusion



After reading the draft rules, please share what you like about the new rules?

- ★ *“They open up more possibilities for students as well as open up the “image” of who TAG students are and how we serve them for community members.”*
- ★ *“The new rules open up the possibility of identification of students who need something different at their school, without the need for them to meet or exceed national norms and benchmarks. This also removes the stigma of potential to perform.”*
- ★ *“I like that it removes the stigma associated with “Potential to Perform”. It also opens up the door to base services on what is actually happening in schools and what our students need within our local context.”*
- ★ *“Emphasis on removing barriers.”*
- ★ *“I like that they are purposefully more inclusive and encourage looking at multiple facets instead of just a single test.”*
- ★ *“Encompasses the whole child and multiple evidence based measures.”*
- ★ *“Deliberate focus on underserved population.”*

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Questions/Comments



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School Programs in Private Hospitals

OAR 581-015-2575

Proposed temporary rule change for definition of school district – 1(c)

For the purposes of this rule “School District” means:

- a) The school district in which the private hospital is located;
- b) A school district adjacent to the school district in which the private hospital is located; or
- c) The education service district in which the program is located or one contiguous thereto.

School Programs in State-Operated Hospitals

OAR 581-015-2580

Proposed temporary rule change for definition of school district – 1(b)

For the purposes of this rule “School District” means:

- d) The school district in which the state-operated hospital or training centers is located;
- e) A school district adjacent to the school district in which the state-operated hospital or training center is located; or
- f) The education service district in which the program is located or one contiguous thereto.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.A.

<p>SUBJECT: School Programs in Private Hospitals and State Operated-Hospitals/ OAR 581-015-2575 & OAR 581-015-2580</p> <p>STAFF NAME & OFFICE: Adam Henning, Office of Enhancing Student Opportunities</p> <p>OAR's for School Programs in Hospitals do not align with ORS 343.261. The issue was identified during a legal sufficiency review prior to finalizing the 21-23 agreements with program providers. Current rule does not address an ESD or adjacent ESD providing services on behalf of a school district.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:

School Programs in Hospital settings are necessary to ensure school age students have the opportunity to continue learning while being treated in a hospital setting. This temporary rule change is sought to better align the two rules associated with school programs in hospitals with the state statute. The temporary rule seeks to only change the definition of a school district. Both OAR 581-015-2575 and OAR 581-015-2580 define school district as the local school district where the hospital is located. ORS 243.261 (3) allows for the education to be provided by local school district, an adjacent school district, local education service district, or adjacent education service district. Currently all of the hospital programs are operated through agreements with local education service districts or adjacent education service districts.

2. Purpose

The current rules defines who can provide the education and responsibilities of the program. These rules were originally put in place in 1987.

3. Does the board have any areas of discretion or is this strictly mirroring statute?

This request for temporary rule is to revise the definition of school district. All other aspects of the rule are to be left as is.

4. Stakeholder voice/input (individual and collective i.e., groups)

This temporary rule request has had input from ODE staff and DOJ staff. Community engagement sessions will be conducted prior to submitting a permanent rule change to the board.

SUMMARY OF PREVIOUS BOARD ACTION

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.A.

1. No previous board action

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
 No; same as last month
 Yes – As follows:

POLICY ISSUE OR CONCERNS

This temporary rule change is to better define a school district in both a private and state-operated hospital setting. The definition currently does not mirror statute nor what historical practice has been with this program. Stakeholder engagement will be conducted prior to submission for a permanent rule change to determine if any other unintended consequences may result from permanent changes to the rule.

EQUITY IMPACT ANALYSIS

Historically underserved students are served in hospital education programs. This docket item will allow these students to continue to be served in hospital settings. Without this temporary rule there may be an interruption in education services in hospital settings.

FISCAL ANALYSIS

No fiscal impact

EFFECT OF A "YES" OR "NO" VOTE

The consequences of a Board no vote will result in the Department of Justice not giving legal sufficiency to the agreement between ODE and Multnomah Education Service District to provide the education program at Providence Willamette Falls Medical Center. A yes vote will continue the current education services being provided by the ESD that has been ongoing since at least 2007.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.A.

ATTACHMENTS

Attachment 1: Temporary Rule Language

School Programs in Private and State-Operated Hospitals

OAR 581-015-2575 – Private Hospitals

OAR 581-015-2580 – State-Operated Hospitals

- Both rules define “school district” as the school district in which the hospital is located

ORS 343.261 (3) - The school district in which the state-operated hospital, the Oregon Health and Science University hospital or clinic or the private hospital is located shall be responsible for providing the education directly or through an adjacent school district or through the education service district in which the program is located or one contiguous thereto.

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Proposed Temporary Rule – OAR 581-015-2575

For the purposes of this rule “school district” means:

- a) The school district in which the private hospital is located;
- b) A school district adjacent to the school district in which the private hospital is located; or
- c) The education service district in which the program is located or one contiguous thereto.

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Proposed Temporary Rule – OAR 581-015-2580

For the purposes of this rule “school district” means:

- a) The school district in which the state-operated hospital or training centers is located;
- b) A school district adjacent to the school district in which the state-operated or training center is located; or
- c) The education service district in which the program is located or one contiguous thereto.

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Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.B.

<p>SUBJECT: Charter School Equity Grants OAR 581-017-XXXX</p> <p>STAFF NAME & OFFICE: Kate Pattison & Emily Nazarov, Director's Office</p> <p>New temporary rules to implement the new Charter School Equity Grant established in 2021 by HB 2166. The non-competitive grant will fund schools that serve specific student populations and align closely to SIA for budget, reporting, and accountability.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

HB 2166 became law during the 2021 regular legislative session. This bill includes a variety of high priority equity initiatives for Oregon. The bill also authorizes the Department of Education to award grants from the Statewide Education Initiatives Account to certain eligible public charter schools. To be eligible, a charter school must not be a virtual charter school and must have at least 65% of the total student population composed of students from the following groups:

- Racial or ethnic groups that have historically experienced academic disparities (aligned to SIA definition); and
- Students experiencing disability (students with IEPs)

The purpose of the Charter School Equity Grant is to increase academic achievement, including reducing academic disparities, for the same student groups named above.

Each charter school grantee will be required to identify longitudinal performance targets included in the contract with the sponsor or within the SIA grant agreement. The targets must include:

- Third-grade reading proficiency rates
- Regular attendance rates
- Any other metrics identified by the department in collaboration with the charter school

The charter school must also report annually on expenditures and student performance. The reporting systems are expected to align with SIA grants to reduce redundancy and burden.

Charter School Equity Grants will be funded through the Statewide Initiatives Account of the Student Success Act. \$2,000,000 was appropriated for the first biennium. The grant cycle will occur once per biennium and funding allocations will be calculated annually.

Grant awards are calculated based on the charter school ADMw and the difference between the State School Funding a district receives on behalf of the charter school vs what the charter school contractually receives. For example, an eligible charter school that serves K-8 students with an ADMw of about 185 and contractually receives 80% of the District charter rate (\$8,850), will be allocated about \$327,450 per year (20% x \$8,850 x 185 ADMw = \$327,450).

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.B.

On January 4, 2022, the Department conducted an engagement session with public charter schools that are likely to be eligible for the grant in the early cycles of grant implementation. Six school leaders attended the session. The Department has also reached out directly to other charter schools that are likely to be eligible to discuss the new grant and draft rules. The schools affirmed the rules as drafted and definitions for student groups and the data that will be used for calculations. All schools were supportive of utilizing as many SIA processes and reports as possible for this grant.

On January 6, 2022, the Department presented the temporary rules to the Rules Advisory Committee. The only question that came from the committee questioned whether more language should be included in the rules from the statute regarding the purpose of the grant. The Department decided not to duplicate language from the statute and focus the rules on adding clarity and definitions where necessary. Grant application materials produced by the Department will include emphasis and detail about the purpose of the grant and performance expectations.

The Department is required to report to the legislature in each odd numbered year on the performance of the grant.

This law is effective July 1, 2022 and the Department intends to award grants to eligible charter schools as soon as allowed for schools to begin using funds to support their students. To do this, the Department will begin developing the materials necessary once the rules are adopted.

SUMMARY OF PREVIOUS BOARD ACTION

These rules are new and have not been before the board before.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

To identify eligible charter schools, the Department needs to consistently calculate the percentage of students in charter schools from “racial or ethnic groups that have historically experienced academic disparities as described in ORS 327.180(2)(b)(B).” This definition is from the SIA and used to identify some of the student focal groups. The State Board has adopted a definition for this group that includes the students listed in the proposed rules for this grant. Because this definition will be used for calculating charter school eligibility by the Department, the definition in the proposed rules for this grant does not include “other racial or ethnic group identified by the school district as historically experiencing academic disparities.” The rationale for this is because the Department will need to use readily available and valid data for the eligibility determination. Allowing for district identified groups of

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.B.

students to be included will make calculating eligibility very complicated and inconsistent from district to district. It would not support the Department in making reliable and consistent awards.

HB 2166 intentionally linked this grant to the Student Investment Account (SIA) grant processes to reduce redundancy. This will support schools by reducing burden and helping to maximize funds supports integrated strategies between the two grants. The Department will need to ensure coordination between the two grant programs to ensure the Charter School Equity Grant continues to align with SIA rules.

(9) To the greatest extent practicable, any requirements prescribed by the department or the board under this section in relation to an application, a grant agreement or the submission of information under subsection (8) of this section shall reduce any redundancies between a grant awarded under this section and a grant awarded from the Student Investment Account. Reduction in redundancies includes accepting for the purposes of grants awarded under this section any applicable forms or information submitted by the public charter school to the department or a school district for the purposes of a grant awarded from the Student Investment Account. (Oregon Laws 2021, Chapter 518, Section 16)

The Charter School Equity Grants in effect provide eligible charter schools with the amount contractually retained by the sponsor as allowed by ORS 338.155. HB 2166 includes language that prohibits the charter school and the district from considering these grants when negotiating the pass-through rate for regular State School Fund payments. There may be concern that a district or eligible charter school would negotiate a lower pass-through to the charter school knowing that this grant may provide the school with additional funding.

(10) A public charter school and a school district may not consider moneys received by the public charter school under this section when establishing payment for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3). (Oregon Laws 2021, Chapter 518, Section 16)

EQUITY IMPACT ANALYSIS

This grant will support charter schools serving higher percentages of students who have historically experienced academic disparities. The purpose of the grant is to increase academic achievement for students in the same groups that qualify the school for the grant. The grant does not restrict use of funds beyond the purpose and will allow the public charter schools to allocate the grant funds to compliment or supplement SIA activities, regular programmatic activities, or other initiatives according to the specific needs identified by the charter school.

FISCAL ANALYSIS

\$2,000,000 was appropriated to the Statewide Education Initiatives Account for the 2021-2023 biennium. When the first cycle of grants in July 1, 2022, the Department anticipates awarding 100% of the funding and needing to prorate the awards not to exceed the total. In future years, the Department

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 7.B.

will calculate allocations for the grants annually not to exceed the amount appropriated for each biennium, which will be about \$4,000,000 each biennium.

The new grant will be managed by a new, limited duration position funded through existing charter school revenue received by the Department. To sustain this position, the Department will likely request for permanent position authority and funding in future agency budget cycles. This position will manage the grant and support all other Student Success Act initiatives that include charter schools.

EFFECT OF A "YES" OR "NO" VOTE

A "Yes" vote will approve these temporary rules and allow the Department to begin implementing the grant and be prepared to award grants in July 2022.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: Charter School Equity Grant OAR Draft

Charter School Equity Grant

581-017-XXXX Charter School Equity Grant: Definitions

The following definitions apply to OAR 581-017-XXXX to 581-017-XXXX:

- (1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) “Charter School Equity Grant” means the grant established by ORS 329.XXX.
- (3) “Charter School” means a public charter school that is not a virtual public charter school, as defined in ORS 338.005
- (4) “Racial or ethnic groups that have historically experienced academic disparities” includes American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students.
- (5) “Spring Membership” means the data report that represents students attending public schools and programs on the first school day in May, as derived from the 3rd period cumulative average daily membership collection. Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.
- (6) “Students with disabilities” means students as provided in OAR 581-014-0001.

Stat. Auth. Oregon Laws 2021, Chapter 518, Section 16

Stat. Implemented Oregon Laws 2021, Chapter 518, Section 16

581-017-XXXX Charter School Equity Grant: Eligibility

- (1) Public charter schools shall be eligible to receive a Charter School Equity Grant if the charter school:
 - (a) Is not a virtual public charter school;
 - (b) Has a student population of which at least 65 percent of the total student population is composed of students from the following combined student groups:
 - (A) Racial or ethnic groups that have historically experienced academic disparities; and
 - (B) Students with disabilities
- (2) Before each application cycle, the Department of Education will publish a list of public charter schools that meet the eligibility requirements of ORS 327.XXX. The Department will make the determination of eligibility based on the most recent finalized Spring Membership report.
- (3) Each eligible charter school shall provide notice before each application cycle to the Department of their intent to apply for the grant according to the process published by the Department and within the time allowed by the Department which shall not be less than 14 days. Notice must include a copy of the charter school’s contract for the provision of educational services and funding under ORS 338.155 (2) or (3).

- (a) A charter school that did not provide notice of their intent to apply may not be eligible to receive a grant in the current application cycle.

Stat. Auth. Oregon Laws 2021, Chapter 518, Section 16
Stat. Implemented Oregon Laws 2021, Chapter 518, Section 16

581-017-XXXX Charter School Equity Grant: Criteria

- (1) The Oregon Department of Education shall establish an application and approval process to be conducted each biennium for which Charter School Equity Grant funds are available. The Department shall notify eligible applicants of the proposal process and due dates, and make available necessary guidelines and application forms.
- (2) All applications must comply with requirements of ORS 327.XXX and in the form and manner prescribed by the Department of Education.
- (3) Upon approval of the grant application, the Department shall enter into a grant agreement with the eligible public charter school.

Stat. Auth. Oregon Laws 2021, Chapter 518, Section 16
Stat. Implemented Oregon Laws 2021, Chapter 518, Section 16

581-017-XXXX Charter School Equity Grant: Distribution of Funds

- (1) The Department of Education shall determine for each year the portion of the funds available for the Charter School Equity Grant program from the Statewide Education Initiatives Account.
- (2) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the prior year at the time when the list of eligible public charter schools was published according to OAR 581-017-XXXX.
- (3) The Department shall determine the amount of the grant for each recipient based on the following formula: Grant Amount = the public charter school's ADMw x the difference between:
 - (a) The amount of the General Purpose Grant per ADMw for the school district that has contractually established payment for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3); and
 - (b) The amount of the General Purpose Grant per ADMw that the public charter school receives under a contract for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3).
- (4) The Department may apply a prorate to determine primary and secondary ADMw amounts.
- (5) If the sum of the amounts for each grant as determined in subsection (2) exceeds the total amount available to the Charter School Equity Grant program, the Department may prorate the amount of the grant distributed to each eligible recipient.

- (6) Funds received by a charter school under this section must be separately accounted for and may be used only to provide funding for the purposes described in the grant agreement. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures.
- (7) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration and distribution of grant funds not specifically addressed in this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

Stat. Auth. Oregon Laws 2021, Chapter 518, Section 16

Stat. Implemented Oregon Laws 2021, Chapter 518, Section 16

581-017-XXXX Charter School Equity Grant: Reporting

- (1) Each year, a recipient of the Charter School Equity Grant must report in the manner and form required by the Department.

Stat. Auth. Oregon Laws 2021, Chapter 518, Section 16

Stat. Implemented Oregon Laws 2021, Chapter 518, Section 16



Charter School Equity Grants

HB 2166 Temporary OARs

State Board of Education

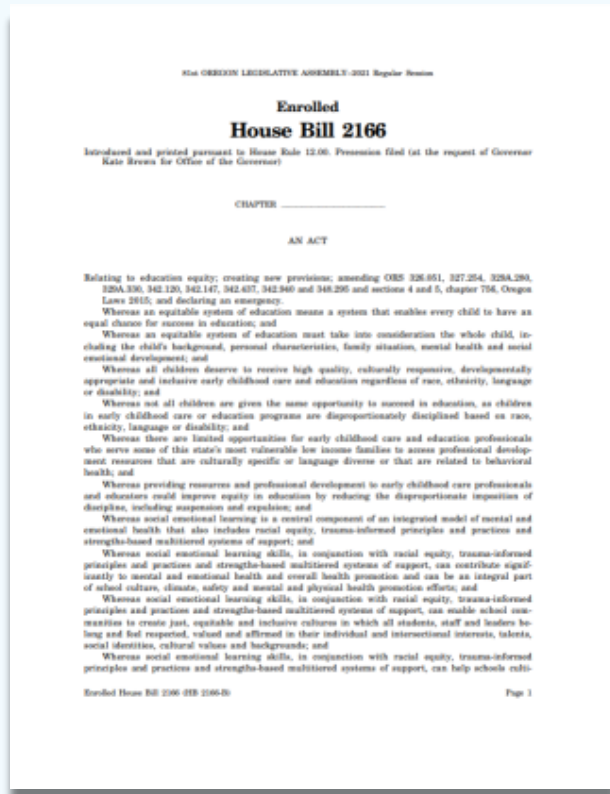
January 20, 2022

Kate Pattison, Charter School Specialist

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House Bill 2166

At the request of the Governor



Oregon Department of Education

- Establishes Early Childhood Suspension and Expulsion Prevention Program.
- Directs Early Learning Division to administer program.
- Requires persons certified or registered by Office of Child Care to comply with provisions of program.
- Directs State Board of Education to adopt social emotional learning standards and statewide social emotional framework.
- Directs Department of Education to convene advisory group for purposes of adopting standards and framework.
- Expands State Board of Education rulemaking authority to include authority to adopt rules for public kindergartens and public elementary and secondary schools consistent with goal of increasing educator diversity.
- Authorizes Teacher Standards and Practices Commission to approve certain¹³⁶ educator preparation programs that are nontraditional pathway to licensure.
- Expands types of entities that may sponsor or provide approved educator preparation programs. Increases amount of scholarships awarded by Higher Education Coordinating Commission to culturally and linguistically diverse teacher candidates.
- Modifies requirements related to parties and contents of intergovernmental agreement establishing Educator Advancement Council.
- Prescribes council membership requirements.
- Authorizes Department of Education to award grants from Statewide Education Initiatives Account to certain eligible public charter schools.
- Prescribes requirements related to application and use of grants.
- Declares emergency, effective July 1, 2021.

Grant Overview

HB 2166 establishes the new Charter School Equity Grants as part of the Statewide Education Initiatives Account in the Student Success Act. Grants will first be awarded to eligible charter schools in fall 2022.

Eligible charter schools must be not be a virtual charter school and must have at least 65% of the total student population composed of students from the following groups:

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- Racial or ethnic groups that have historically experienced academic disparities (aligned to SIA definition); and
- Students experiencing disability (students with IEPs)

Purpose of the charter school equity grants are to increase academic achievement, including reducing academic disparities, for the same student groups named above.

Grant Requirements

Each charter school grantee will be required to identify longitudinal performance targets included in the contract with the sponsor or within the SIA grant agreement. The targets must include:

- Third-grade reading proficiency rates
- Regular attendance rates
- Any other metrics identified by the department in collaboration with the charter school

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The charter school must also report annually on expenditures and student performance. The reporting systems are expected to align with SIA grants to reduce redundancy and burden.

Funding and Allocations

Charter School Equity Grants will be funded through the Statewide Education Initiatives Account of the Student Success Act. \$2,000,000 was appropriated for the first biennium.

Grant awards are calculated based on the charter school ADMw and the difference between the State School Funding a district receives on behalf of the charter school vs what the charter school contractually receives.

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For example, an eligible charter school that serves K-8 students with an ADMw of 185 and contractually receives 80% of the District's General Purpose Grant per ADMw (\$8,850), will be allocated:

$$20\% \times \$8,850 \times 185 \text{ ADMw} = \$327,450$$

Proposed Rules: Definitions

581-017-XXXX Charter School Equity Grant: Definitions

The following definitions apply to OAR 581-017-XXXX to 581-017-XXXX:

- (1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) “Charter School Equity Grant” means the grant established by ORS 329.XXX.
- (3) “Charter School” means a public charter school that is not a virtual public charter school, as defined in ORS 338.005
- (4) “Racial or ethnic groups that have historically experienced academic disparities” includes American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students.
- (5) “Spring Membership” means the data report that represents students attending public schools and programs on the first school day in May, as derived from the 3rd period cumulative average daily membership collection. Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.
- (6) “Students with disabilities” means students as provided in OAR 581-014-0001.

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Proposed Rules: Eligibility

581-017-XXXX Charter School Equity Grant: Eligibility

- (1) Public charter schools shall be eligible to receive a Charter School Equity Grant if the charter school:
 - (a) Is not a virtual public charter school;
 - (b) Has a student population of which at least 65 percent of the total student population is composed of students from the following combined student groups:
 - (A) Racial or ethnic groups that have historically experienced academic disparities; and
 - (B) Students with disabilities
- (1) Before each application cycle, the Department of Education will publish a list of public charter schools that meet the eligibility requirements of ORS XXX.XXX. The Department will make the determination of eligibility based on the most recent finalized Spring Membership report.
- (2) Each eligible charter school shall provide notice before each application cycle to the Department of their intent to apply for the grant according to the process published by the Department and within the time allowed by the Department which shall not be less than 14 days. Notice must include a copy of the charter school's contract for the provision of educational services and funding under ORS 338.155 (2) or (3).
 - (a) A charter school that did not provide notice of their intent to apply may not be eligible to receive a grant in the current application cycle.

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Proposed Rules: Criteria

581-017-XXXX Charter School Equity Grant: Criteria

- (1) The Oregon Department of Education shall establish an application and approval process to be conducted each biennium for which Charter School Equity Grant funds are available. The Department shall notify eligible applicants of the proposal process and due dates, and make available necessary guidelines and application forms.
- (2) All applications must comply with requirements of ORS 327.XXX and in the form and manner prescribed by the Department of Education.
- (3) Upon approval of the grant application, the Department shall enter into a grant agreement with the eligible public charter school.

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Proposed Rules: Distribution of Funds

581-017-XXXX Charter School Equity Grant: Distribution of Funds

- (1) The Department of Education shall determine for each year the portion of the funds available for the Charter School Equity Grant program from the Statewide Education Initiatives Account.
- (2) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the prior year at the time when the list of eligible public charter schools was published according to OAR 581-017-XXXX.
- (3) The Department shall determine the amount of the grant for each recipient based on the following formula: Grant Amount = the public charter school's ADMw x the difference between:
 - (a) The amount of the General Purpose Grant per ADMw for the school district that has contractually established payment for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3); and
 - (b) The amount of the General Purpose Grant per ADMw that the public charter school receives under a contract for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3).
- (4) The Department may apply a prorate to determine primary and secondary ADMw amounts.
- (5) If the sum of the amounts for each grant as determined in subsection (2) exceeds the total amount available to the Charter School Equity Grant program, the Department may prorate the amount of the grant distributed to each eligible recipient.
- (6) Funds received by a charter school under this section must be separately accounted for and may be used only to provide funding for the purposes described in the grant agreement. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures.
- (7) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration and distribution of grant funds not specifically addressed in this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

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Proposed Rules: Reporting

581-017-XXXX Charter School Equity Grant: Reporting

- (1) Each year, a recipient of the Charter School Equity Grant must report in the manner and form required by the Department.

Schools Likely to be Eligible in First Year

Charter School	Combined Race/Ethnicity with Academic Disparities OR IEP	
	Count	%
Nixyaawii Community School	78.0	96.3
Four Rivers Community School	279.0	83.3
Kids Unlimited Academy	392.0	82.4
Kairos PDX	175.0	79.2
Rockwood Preparatory Academy	231.0	78.8
Woodburn Arthur Academy	129.0	78.7
Siletz Valley Schools	137.0	67.5
Harmony Academy	17.0	65.4

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Implementation Timeline

ODE has started planning for implementation with budget, procurement, and staffing. The law becomes effective on July 1, 2022 and the Department plans to have the grant process developed to award grants beginning in the 2022-23 school year.

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Jul-Dec 2021	Jan-Jun 2022	Jul-Dec 2022	Jan-Jun 2023
Planning: <ul style="list-style-type: none">• budget• staffing	Pre-Implementation: <ul style="list-style-type: none">• engagement• rulemaking• grantmaking• procurement• outreach	Implementation: <ul style="list-style-type: none">• grantmaking• awards• procurement• training	Implementation: <ul style="list-style-type: none">• grantee support• grantee reporting• ODE report to legislature

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AGENDA ITEM: 8.A.

<p>SUBJECT: Extend Essential Skills Waiver for the Oregon State Seal of Biliteracy STAFF NAME & OFFICE: Deb Lange, Office of Equity, Diversity, and Inclusion</p> <p>We request that the Board continue the waiver of the Essential Skills in English requirement for the Oregon State Seal of Biliteracy, which it did for the 2020 and 2021 graduating classes, to include the 2022 graduating class.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - i. *The rule was created to recognize and award the Oregon State Seal of Biliteracy Oregon (OSSB) students, who demonstrate proficiency in English and another language.*
 - ii. *There are several rule changes recommended:*
 1. *To waive the Essential Skills requirement for the Biliteracy Seal for the 2022 graduating students.*
 2. *To remove English as one of the required languages student must be proficient in to qualify for the OSSB, thereby allowing students to demonstrate proficiency in any two languages to earn the OSSB.*
 3. *To remove the Essential Skills assessment as one of the criteria and make it one of the assessment options.*
 4. *To form the Oregon State Seal of Multiliteracy option under the Oregon State Seal of Biliteracy, to recognize students who are proficient in three or more languages.*
 - b. What is the current requirement in rule or statute?
 - i. *For a student to become a candidate for the Oregon State Seal of Biliteracy, that student would be required to pass the Essential Skills assessment in reading and writing in English, meet all graduation requirements as outlined by the district, and score at the expected level proficiency in English and another language.*
 - c. Why is this rule being brought forward right now?
 - i. *In 2020 and 2021, the Board waived the Essential Skills assessment due to COVID, thus waiving that criteria for the Biliteracy Seal. Due to instructional and assessment challenges faced by COVID in 2020-2021, high school students were not able to take the Essential Skills assessment, thereby denying them the ability to meet one of the criteria to earn the Biliteracy Seal.*

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- i. *The internal and external OSSB workgroups have a wide variety of voices elevated, with the general district participants in the OSSB having a voice, as well. The internal workgroup would benefit from representation from the Office of Indian Education.*
- e. What additional information does the Board need prior to moving forward?
 - i. *The Board may wish to review the previous waiver decision to know if it would make that recommendation again for the 2022 graduating OSSB candidates.*
 - ii. *In the past, the Board has ruled that the OSSB could not add another sticker to the diploma of students earning the award in three or more languages. By creating the OSSM, there would still be only one sticker seal to affix to the diploma, one certificate, and still have wording of the award on the student's transcript.*

SUMMARY OF PREVIOUS BOARD ACTION

- 1. Has this been before the board before? If so, what action did the board take?
 - a. *In the spring of 2020, the Board decided to waive the Essential Skills requirement for students, which effectively removed it from the OSSB criteria for the graduating years 2020 and 2021.*

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

- 1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - i. *The stakeholder involvement could be a continuance of that which was gathered to waive the assessment for the 2020 and 2021 graduating classes*
 - ii. *The stakeholders that have been involved in the process have been mentioned above.*
 - b. Who are the historically underserved groups affected?
 - i. *The OSSB was initially created to recognize and value the languages students bring to their Oregon educational experience, meaning the newcomers and students who speak another world language. These students would benefit from the assessment waiver as their access to instruction and assessment*

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- was greatly hampered by COVID and CDL opportunities that in many instances found them without internet access and the tech that they needed, let alone the comfort they either did or did not feel when schools reopened in the spring of 2021.*
- ii. *Students from the ODS also benefited from the waiver, as many times English is not their first language and one in which some student struggle.*
 - iii. *The group of students who come to Oregon schools may not be able to demonstrate fully the breadth of their linguistic knowledge when one of the languages in which they are required to demonstrate must be English.*
- c. Has there been consultation or collaboration with tribes in this rule change or policy decision?
- i. *Yes, there has been. Two members of the OSSB external workgroup and the Post-Secondary group are representative from the Confederated Tribes of the Grand Ronde Community and the Confederated Tribes of the Umatilla Indian Reservation.*
- d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
- i. *It is the hope of this presentation to continue the waiver for the Essential Skills for 2022 and to present to the Board proposed rule changes that would refine the OSSB to be more inclusive to underserved communities.*
 - ii. *It is also hoped that the removal of English being a required language will expand the opportunities of students to earn the OSSB/OSSM in languages other than English.*
2. Negative/Positive Effects
- a. What is the impact on the population most affected by this rule that the board should consider?
 - i. *The impact of this decision will benefit any student wishing to qualify for the Oregon State Seal of Biliteracy in 2022. Just as graduating seniors were impacted in 2020 and 2021, they are again impacted in 2022.*
 - ii. *This will also affect positively the population of Oregon students who can demonstrate proficiency in two or more languages, neither of them being English.*
 - b. What possible opportunities, assets or access could this rule provide?
 - i. *This decision would provide students the opportunity to qualify for the OSSB without the time and effort to make up the missed opportunity of taking the State Summative/Essential Skills assessment opportunity when they were juniors in 2021.*
 - ii. *This decision would also open the criteria for the OSSB/OSSM to any student proficient in two or more languages, without one of those languages required to be English.*
 - c. What is the impact on eliminating the opportunity or achievement gap?
 - i. *This could eliminate gaps in achievement and recognition for skills students already possess while learning English*
 - d. Have all the potential unintended consequences been considered?

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- f. Language?
- g. Geography?
 - a. *These change are requested for implementation statewide.*
- h. Size?
 - a. *These changes would be for districts of all sizes statewide.*

EQUITY IMPACT ANALYSIS (This section to be continued, but halted to get the docket topic submitted)

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
 - i. The OEDII has been the funding source for the OSSB in the past, under HB 3499.
2. How does the proposed rule change impact school districts and ESDs?
 - a. If the waiver from the Essential Skills requirement is not granted, districts and ESDs may be required to pay out of pocket for 3rd party English assessments for their students with limited time to schedule and assess.
3. How does the proposed rule change impact schools and other educational institutions?
 - a. If the waiver is granted, schools would not have to fund and schedule a 3rd party assessment for English proficiency.
4. Does the proposed rule change impact other stakeholders?
 - a. The proposed rule benefits other stakeholders in opening the availability for student recognition and linguistic diversity.
 - b. The proposed rule does not impact the post-secondary acceptance of the Oregon State Seal of Biliteracy.

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AGENDA ITEM: 8.A.

EFFECT OF A "YES" OR "NO" VOTE

Explain the consequences of a Board approving or not approving the staff recommendation.

Should the Board effect a "YES" vote for these requests, it would waive the requirement for the Essential Skills assessment for the 2022 graduating students, thereby recognizing that they did not have access to the assessment and hold them harmless. It would also decentralize English as being a required language to prove Biliteracy. Lastly, a "YES" vote would allow districts to expand their Biliteracy Seal program to include additional students who may be bilingual or multilingual, but not yet proficient in English.

The effect of a "NO" vote would create an undo urgency and fiscal impact on districts and students when needing to, in a short turnaround, find and pay for an English proficiency assessment. In addition, the "NO" vote would deny students who are bilingual or multilingual in any combination of languages the honor of earning the Oregon State Seal of Biliteracy or the Oregon State Seal of Multiliteracy. It is important to recognize linguistic skill, whether one of the languages is English or not.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1:

581-021-0580 Definitions

The following definitions apply to OAR 581-021-0580 ~~to and~~ 581-0021-0584:

(1) "Assessment" means any of the measurements identified by the Department of Education and used to determine target language proficiency.

(2) "Biliteracy" ~~or "biliterate"~~ means the ability to demonstrate ~~a high level of~~ proficiency in reading, writing, listening, and speaking in ~~English and one or more world~~ two languages.

~~(3) "Multiliteracy" or "multiliterate" means the ability to demonstrate proficiency in reading, writing, listening, and speaking in three or more languages.~~

~~(34) "Oregon State Seal of Biliteracy" means a seal issued by the Deputy Superintendent of Public Instruction, or their representative, that certifies a student is biliterate, as defined in this rule in English and one or more world languages.~~

~~(5) "Oregon State Seal of Multiliteracy" means a seal issued by the Deputy Superintendent of Public Instruction, or their representative, that certifies a student is multiliterate, as defined in this rule.~~

~~(46) "Portfolio of evidence" means the body of work collected to demonstrate a high level of determine Biliteracy target language proficiency.~~

~~(5) "World language" means American Sign Language and languages other than English.~~

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

581-021-0584 Oregon State Seals of Biliteracy and Multiliteracy

(1) The Department of Education shall develop a process by which school districts shall submit to the Department ~~information on all data required as proof for~~ each student who is a candidate for a State Seal of Biliteracy or State Seal of Multiliteracy.

(2) The Deputy Superintendent of Public Instruction, or their representative, shall award a State Seal of Biliteracy to a student who meets all of the following criteria:

(a) Completed all state and district graduation requirements; and

~~(b) Met the Essential Skills for reading and writing in English;~~

~~(c) Demonstrated proficiency in one-two or more world languages ~~other than English~~ in reading, writing, listening and speaking through:~~

~~(A) One or more examinations and passing scores for each that are identified by the Department of Education; or~~

~~(B) Work sample, body of evidence or portfolio.~~

(3) The Deputy Superintendent of Public Instruction, or their representative, shall award a State Seal of Multiliteracy to a student who meets all of the following criteria:

(a) Completed all state and district graduation requirements; and

(b) Demonstrated proficiency in three or more world languages in reading, writing, listening and speaking through:

(A) One or more examinations and passing scores for each that are identified by the Department of Education; or

(B) Work sample, body of evidence or portfolio.

(34) The Oregon Seal of Biliteracy is available to students who received a diploma, or will receive a diploma, in 2015-16 and future years.

(5) The Oregon Seal of Multiliteracy is available to students who received a diploma, or will receive a diploma, in 2021-22 and future years.) Notwithstanding subsection (2) of this rule, the Superintendent of Public Instruction shall award a State Seal of Biliteracy to student who was first enrolled in ninth grade in the 2017-18 or 2016-17 and meets all of the following criteria:

~~(a) Completed all state and district graduation requirements; and~~

~~(b) Demonstrated proficiency in one or more world languages other than English in reading, writing listening and speaking through:~~

~~(A) One or more examinations and passing scores for each that are identified by the Department of Education; or~~

~~(B) Work sample, body of evidence or portfolio.~~

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

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AGENDA ITEM: 8.B.

<p>SUBJECT: SB 744 Implementation STAFF NAME & OFFICE: Dan Farley, Office of Teaching, Learning, and Assessment</p> <p>The Oregon Legislature passed Senate Bill 744 in the 2021 long session, which requires ODE to research Oregon’s graduation policies, as well as graduation policies from other states, engage with education and community partners, and define the disparities and causes therein for Oregon’s historical graduation outcomes. Pursuant to Senate Bill 744 implementation, the State Board is asked to extend the suspension of the Assessment of Essential Skills at (OAR) 581-022-2115:</p> <p>“(22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating in the 2021-2022, 2022-23, & 2023-24 school years.”</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:

October 2008: Oregon Administrative Rule ([\(OAR\) 581-022-2115](#): *Assessment of Essential Skills*) states that, “school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c)”. There are nine Essential Skills:

1) Read and comprehend a variety of test;

2) Write clearly and accurately;

3) Apply mathematics in a variety of settings;

4) Listen actively and speak clearly and coherently;

5) Think critically and analytically;

6) Use technology to live, learn, and work;

7) Demonstrate civic and community engagement;

8) Demonstrate global literacy; and,

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AGENDA ITEM: 8.B.

9) Demonstrate personal management and teamwork skills.

The initial design and intention of the nine Essential Skills was to require demonstrated proficiency in all areas. Since their implementation, however, the primary statewide focus has been around the first three Essential Skills. The remaining six have been evaluated locally; without statewide data there is little known or understood about student performance in these six domains at a systems level. The complete nine essential skills are rarely emphasized holistically, despite their importance of developing the whole child and ensuring that all Oregon students receive a well-rounded education.

OAR 581-022-2115 regulation states that students are required to demonstrate proficiency in the Essential Skills to receive a Regular or Modified Diploma. The State Board of Education has approved four categories of assessments by which students may demonstrate proficiency in the required Essential Skills:

1. Oregon Statewide Summative Assessment
2. Other Standardized Assessment*
3. Work Samples (six required; two for writing, two for reading and two for mathematics)
4. Local Assessment Option (rarely, if ever, used)

**Other Standardized Assessment Option recommendations are made through ODE and presented to the Assessment of Essential Skills Review Panel (AESRP). AESRP reviews and recommends additions or changes to the list of approved assessment options based, in part, on technical documentation for the assessment and on evaluating student score data. AESRP's recommendations are provided to the State Board of Education and must be adopted by the State Board of Education before they can be included as an approved assessment for the Essential Skills.*

Due to the COVID-19 pandemic, the U.S. Department of Education suspended all summative assessments for schools in spring of 2020. In spring of 2021, Oregon requested a waiver from the federal government to substantially reduce the number of assessments students were required to take due again to the impact of the COVID-19 pandemic. Collectively, this meant that student's primary means of demonstrating proficiency in reading, writing, and mathematics were not consistently available to them and therefore the State Board of Education suspended the Assessment of Essential Skills for the 2019-2020 and 2020-2021 school years.

a. What prompted this update to the board?

During the 2021 Oregon Legislative Session the Oregon Legislative Assembly passed [SB 744](#) which directs the Oregon Department of Education to review state requirements for high school diploma options, as well as to review state requirements related to demonstrations of proficiency by means of the assessment of Essential Skills. SB 744 does not change graduation

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AGENDA ITEM: 8.B.

requirements to courses nor to credits, nor does it change any other requirements, including the local performance assessment, education plan, education profile, and extended application.

SB 744 requires that a final report be submitted to the State Board and to the interim committees of the Legislative Assembly, with recommendations, **by September 1, 2022**. The report must include:

“... an analysis of the effectiveness of requiring students to demonstrate proficiency in Essential Learning Skills and an explanation of the reasons the department concludes that requirements related to demonstrations of proficiency in Essential Learning Skills should be retained, modified or eliminated. If the department concludes that demonstrations of proficiency of Essential Learning Skills should be retained, the department shall provide recommendations for alternative methods for students to demonstrate proficiency in skills or academic content areas that are not related to career and technical education.”

2. Purpose

The purpose of this presentation is to provide information regarding SB 744, outline the work plan that ODE is implementing in order to meet the deliverables and timeline present in the bill, and solicit questions, concerns, and recommendations from State Board members. The bill also requires that the State Board extend the suspension of the demonstration of proficiency in the Essential Skills as a student graduation requirement at OAR 581-022-2115 through the 2023-24 school year.

a. What function does this policy or update hold?

The written report will update the board on the language included in SB 744 and the required actions that the *Senate Bill 744 Implementation Team* is taking to meet the requirements of the bill, as well as to inform the State Board regarding state regulation at OAR 581-022-2115 that will need to be modified as a result of the bill through the 2023-24 academic year.

i. How long has this policy in place?

The Oregon State Board of Education identified the Essential Skills requirements on July 1, 2008.

3. Does the board have any areas of discretion on this policy and/or update?

The State Board established the historical rule that set graduation requirements at OAR 581-022-2115. The Senate Bill 744 Implementation Team will provide updates on implementation progress to the State Board throughout the 2021-22 school year, culminating in the provision of the final report due by September 1, 2022.

4. Education and Community Partner voice/input (individual and collective i.e., groups)

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1. Who was involved in bringing this to the Board? The Oregon Department of Education brought this information to the Oregon State Board of Education to inform the board of legislative actions included in SB 744 and to call attention to the direct and potential impacts on board decision making.
2. What did engagement in this process entail? The Oregon Legislature held public comment during the 2021 legislative session. Additional education and community partner engagement will be conducted, as directed in the bill, over the course of 2021-22.
3. Who may be affected by this? As described in SB 744, Oregon students will not be required to show proficiency in Essential Skills as a condition of receiving a high school diploma during the 2021-2022, 2022-2023, and 2023-2024 school years. Student knowledge and skill in reading, writing, and mathematics will remain a requirement, pursuant to coursework and credit requirements. Students will still be required to obtain 24 credits to graduate, which remains a high bar when compared to other state graduation requirements. The desired outcome of Senate Bill 744 is for ODE to make recommendations to the Legislature and State Board, outlining options for a graduation process that is equitable, accessible, and inclusive.
4. Whose voice is missing? It is unknown which historically marginalized groups were included in the public comment testimony or the engagement process legislation conducted outside of the public comment legislative process. The Senate Bill 744 Implementation Team will intentionally engage education and community partners who have historically been and continue to be underserved by our education systems as evidenced by graduation rates, including: Oregon's Nine Tribes, Indigenous and Native students, students experiencing disabilities, students who are emerging bilinguals, African American/Black students, Latino/a/x students, and students of color.
5. What more information does the Board need prior to moving forward? This presentation is a first read of a needed change current a current rule in order to move into compliance with statute.

SUMMARY OF PREVIOUS BOARD ACTION

1. Has this been before the board before? If so, what action did the board take?

Yes, The Oregon State Board of Education has previously suspended the assessment of Essential Skills during the 2019 - 20 and 2020 - 21 academic calendars.

- On June 11, 2020 at 11:30 AM the Oregon State Board of Education adopted 3.D. Administrative rules to implement guidance issued pursuant to Executive Order 20-20. ([Docket - temporary rules to implement EO 20-20 and the Department's guidance](#))

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- Graduation Pathways 2020 - Suspend all Essential Skills and Personalized Learning requirements for seniors (Career Related Learning Experiences, Extended Application, and Education Plan and Profile).
- On January 13, 2021 at 3:55 PM the Oregon State Board of Education adopted 3.A. Administrative rules to implement Ready Schools Safe Learners and Executive Order 20-29. ([January 2021 Docket - Administrative rules to implement RSSL and EO 20-29](#))
 - 581-022-0104 State Standards for the 2020-21 School Year - The rule specifies that for the 2020-21 school year, all division 22 standards are in effect unless waived by this rule. The following standards are waived for 2020-21: Essential Skills graduation requirements and local performance assessment requirements for grades 3 – 8 and high school.
- Informational updates regarding Senate Bill 744 implementation were presented to the State Board on September 16, 2021 and December 9, 2021.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. Stakeholders

- a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?

As mentioned above, the Senate Bill 744 Implementation Team will intentionally engage education and community partners who have historically been and continue to be underserved by our education systems. ODE has planned for educator and community engagement process, some of which is directly facilitated by ODE and some which we have partnered with Oregon's Kitchen Table to assist with design and facilitation.

- b. Who are the historically underserved groups affected?

The groups outlined in the bill include the following: students experiencing disabilities, students who are emerging bilinguals, students who are immigrants or refugees, youth-led organizations, communities of color, and federally-recognized Tribes in Oregon.

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- c. Has there been consultation or collaboration with Tribes in this rule change or policy decision?

Consultation and collaboration with Tribes is part of the engagement plan.

- d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?

The terms of the bill are established by statute; the expected outcome of making recommendations about graduation policies that are equitable, accessible, and inclusive, as well as the required engagement, should enhance the information available to the State Board in making policy decisions to address the needs of students historically underserved by the system.

2. Negative/Positive Effects

- a. What is the impact on the population most affected by this rule that the board should consider?

Summative assessment results in Oregon have been a tool for system accountability, bringing important focus in policy and resource distribution to students whom our education system is not yet designed to serve. It is critical to evaluate the ways in which students demonstrate proficiency in core content in Oregon, as there are concerning disparities in the percentages of students of color, students who are emerging bilinguals, and students who experience disability who graduate by demonstrating proficiency via work samples or with modified diplomas.

Students will no longer be required to participate in an additional graduation validation process defined by state-approved assessment options, which removes this shared point of reference and high-level system accountability. While course requirements, credit requirements, and skill and knowledge in reading, writing, and mathematics all remain requirements, the standards by which proficiency will be determined will live at the local level and will not be standardized or validated.

- b. What possible opportunities, assets or access could this rule provide?

The bill presents an opportunity to reconsider and possibly redesign the Oregon Diploma to ensure innovation, visionary commitment to learning, equity, access and inclusive values. It has been thirteen years since Oregon has revisited graduation requirements, and we are at an inflexion point as we continue to evolve how we approach teaching and learning and assessment during a prolonged pandemic. Graduating from high school represents a significant achievement for every student and should also serve as the fulfillment of our promise to students related to the opportunity they have had over thirteen years to develop, deepen, and extend their learning, knowledge base, and critical thinking skills across multiple content areas.

- c. What is the impact on eliminating the opportunity or achievement gap?

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The opportunity to graduate is one that has not been equitably experienced by Oregon’s students whom our education systems were not designed to serve. Identifying and recommending practices that are more equitable, accessible, and inclusive can help to reduce this opportunity gap. The social and educational systems in which these opportunity gaps are sourced remain, however, and will continue to influence what is feasible.

d. Have all the potential unintended consequences been considered?

The bill requires an ODE response. Suspending the demonstration of proficiency in Essential Skills requirement will result in more local control of graduation decisions. Districts are not required to make the results of their assessments or graduation decision-making publicly available, which ODE is required to do at the state level. Public reporting of data is a critical component of transparency, including 4- and 5-year cohort graduation rates and percentages of students with standard or modified diplomas.

e. Does this rule advance the ESSA goals?

The bill requires an ODE response. The requirement of demonstrations of proficiency in Essential Skills is a state graduation requirement that is beyond the scope of ESSA.

3. What are the barriers to more equitable outcomes:

There are many socio-economic and education-related barriers regarding student graduation rates in Oregon, which have been trending upward since 2013-14 (the year beyond which longitudinal calculations are comparable). While graduation rates in Oregon have been increasing overall and the opportunity gaps between students of color and Oregon state averages have been decreasing, graduation disparities remain:

- State Four-Year Cohort Graduation Rate in 2018-19: 80%
- American Indian/Alaska Native: 67%
- Black/African-American: 76%
- Hispanic/Latino: 80%

Students experiencing disabilities had the opportunity to graduate at a rate of 68% (45% of students experiencing disabilities have the opportunity to earn a regular diploma) and students who were emerging bilinguals (English Learners/ELs) in high school had a graduation rate of 65% (students who were former ELs graduated at 86%).

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

Impact of the Assessment of Essential Skills

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The majority of students meet their assessment of Essential Skills proficiency requirements in reading, writing, and mathematics using the statewide summative assessments. The table below illustrates the percentage of students using each assessment option (statewide summative assessments, other standardized assessments approved by the State Board, and work samples) to earn a Regular Diploma in 2019 (the most recent available data).

Essential Skill	State Summative	Other Standardized Assessment	Work Sample
Reading	72%	16%	12%
Writing	68%	9%	23%
Mathematics	54%	19%	26%

There are significant equity impacts for students who use work samples to meet the Assessment of Essential Skills graduation requirements, outlined below.

Impact of Work Samples

Though work samples are intended to be incorporated into student’s existing courses and may reflect appropriate incorporation of student identity and agency into the assessment process, anecdotal evidence collected from school districts and families demonstrates that many high schools instead enroll students who have not met the Assessment of Essential Skills graduation requirement in “Work Samples” elective courses in their senior year. As a result, these students may not have the opportunity to participate in other elective courses that contribute to both student engagement and well-rounded educational opportunities. Assessment of Essential Skills data reveal that this dynamic is disproportionately impacting Oregon’s students of color, particularly for students who are Black/African-American, and emerging bilinguals, as a substantial percentage of Oregon’s students of color meet the Assessment of Essential Skills graduation requirement using Work Samples.

The disproportionate use of work samples by Oregon’s students of color and emerging bilinguals and the resulting course option inequities for these students indicates the need for Oregon to more closely examine the impact of the proficiency in Essential Skills graduation requirement as it currently exists on those student groups that have been and continue to be underserved by Oregon’s social and education systems. The opportunity to engage with Oregon educators (e.g., high school counselors, high school teachers, related service providers, and educational assistants) and administrators (e.g., migrant education coordinators, special education directors, English language coordinators, and principals) should allow for ODE to develop a better understanding of how graduation policies are implemented at the local level and determine whether there are concerning equity impacts.

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FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
There are no fiscal impacts that the Board should consider at this time.
 - a. Which units/divisions/offices will be impacted and how?
Implementation of SB 744 primarily impacts the Office of Teaching, Learning, and Assessment, which is charged with effecting the bill's requirements.
2. How does the proposed rule change impact school districts and ESDs?
The rule change extends the suspension of the assessment of Essential Skills through the 2023-24 school year, pending recommendations that will result from the report that the Senate Bill 744 Implementation Team will present to the legislature and State Board by September 1, 2022.
3. How does the proposed rule change impact schools and other educational institutions?
Schools and other educational institutions do not have to track student proficiency in relation to the assessment of Essential Skills requirements. Some districts may also change course structures to eliminate the work samples courses that are not currently necessary, which may allow more students to avail themselves of other elective credit opportunities.
4. Does the proposed rule change impact other stakeholders?
Graduation is the summative achievement in Oregon's public school system and denotes a transition as an adult into our communities. Graduation policy affects all Oregonians. Oregon's stringent graduation credit requirements remain in place; students must demonstrate grade level knowledge and skill in reading, writing, and mathematics in order to graduate, as well as completing all personalized learning requirements.

EFFECT OF A "YES" OR "NO" VOTE

Explain the consequences of a Board approving or not approving the staff recommendation.

Approving the staff recommendation would result in alignment with current Oregon statute. Not approving the staff recommendation would result in misalignment.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

None.

Assessment of Essential Skills

- (1) Definitions. As used in this rule:
 - (a) "Assessment option" means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.
 - (b) "Essential Skills" means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.
 - (c) "Local performance assessment" means a standardized measure (e.g., activity, exercise, problem, or work sample scored using an official state scoring guide), embedded in the school districts' and public charter schools' curriculum that evaluates the application of students' knowledge and skills.
 - (d) "Official state scoring guide" means an evaluation tool designed for scoring student work that includes specific, consistent assessment criteria for student performance and a 1-6 point scale to help rate student work. It is used by Oregon teachers to evaluate student work samples.
 - (e) "Student-initiated test impropriety" means student conduct that:
 - (A) Is inconsistent with:
 - (i) The Test Administration Manual; or
 - (ii) Accompanying guidelines; or
 - (B) Results in a score that is invalid.
 - (f) "Work sample" means a representative sample of individual student work (e.g., research papers, statistical experiments, speaking presentations, theatrical performances, work experience) that may cover one or more content areas and therefore may be scored using one or more official state scoring guide(s). At the high school level, a work sample can be used to fulfill both the local performance assessment requirement described in Section 2 of this rule and the Essential Skills requirement described in Section 3 of this rule.
- (2) School districts and public charter schools that offer grades 3 through 8 or high school shall administer local performance assessments for students in grades 3 through 8 and at least once in high school. For each skill area listed in section (17) of this rule, the assessments shall consist of:
 - (a) One work sample per grade scored using official state scoring guides; or
 - (b) Comparable measures adopted by the district.
- (3) School districts and public charter schools shall require high school students to demonstrate proficiency in the Essential Skills using assessment options that are approved by the State Board of Education for the purpose of student eligibility for:
 - (a) The high school diploma as established in OAR 581-022-2000; or
 - (b) The modified diploma as established in OAR 581-022-2010.
- (4) Pursuant to ORS 339.115 and 339.505, school districts and public charter schools shall provide any eligible student with instruction in and multiple assessment opportunities to demonstrate proficiency in the Essential Skills for the purpose of achieving the high school diploma or the modified diploma.
- (5) To be eligible to receive a high school diploma or a modified diploma:
 - (a) For students first enrolled in grade 9 during the 2008-2009 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skill listed in section (16)(a) of this rule: Read and comprehend a variety of text.
 - (b) For students first enrolled in grade 9 during the 2009-2010 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in sections (16)(a)-(b) of this rule:
 - (A) Read and comprehend a variety of text; and

- (B) Write clearly and accurately.
- (c) For students first enrolled in grade 9 during the 2010-2011 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in section (16)(a)–(c) of this rule:
 - (A) Read and comprehend a variety of text;
 - (B) Write clearly and accurately; and
 - (C) Apply mathematics in a variety of settings.
- (d) For students first enrolled in grade 9 during the 2011-2012 school year or first enrolled in grade 9 in any subsequent school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c) of this rule and any additional Essential Skills for which:
 - (A) The State Board of Education has adopted the determination to phase in for inclusion in the high school diploma and modified diploma requirements; and
 - (B) The State Board of Education has adopted assessment options by March 1 of the student’s 8th grade year.
- (e) School districts and public charter schools may require students to demonstrate proficiency in additional Essential Skills beyond the minimum requirements described in section (5)(a)-(d) of this rule.
- (6) The Superintendent of Public Instruction shall establish an Assessment of Essential Skills Review Panel (AESRP) to make recommendations on:
 - (a) The phasing in of Essential Skills for inclusion in the high school diploma and the modified diploma requirements;
 - (b) The adoption of assessment options to measure students’ proficiency in the approved Essential Skills for the purpose of the high school diploma or the modified diploma; and
 - (c) The achievement standards used to determine student eligibility for the high school diploma or the modified diploma.
- (7) The AESRP shall work toward the goal of a system with a high degree of technical adequacy and equivalent rigor between assessment options as practicable.
- (8) The AESRP shall base its recommendations on evidence provided by:
 - (a) School districts;
 - (b) Research organizations; and
 - (c) Other experts.
- (9) The AESRP shall consist of assessment experts from:
 - (a) School districts, including but not limited to:
 - (A) Superintendents;
 - (B) Principals;
 - (C) Curriculum Directors;
 - (D) Educators;
 - (E) Special education educators; and
 - (F) English Language Learners (ELL) educators;
 - (b) Post-secondary education institutions; and
 - (c) Business partners who have expertise in:
 - (A) Assessment design;
 - (B) Assessment administration; or
 - (C) Use of assessments
- (10) The State Board of Education shall make the determination to adopt the AESRP’s recommended assessment options, and achievement standards for the purpose of conferring high school

diplomas and modified diplomas. The determination of the State Board of Education will be final and not subject to appeal.

- (11) The ODE shall issue the State Board of Education's intentions regarding the AESRP's recommendations by December 15 of each year and formal notice of the State Board of Education's final determination regarding the AESRP's recommendations by March 1 of each year as an addendum to the Test Administration Manual, which the ODE shall issue by August 1 of each year.
- (12) School districts and public charter schools shall adhere to the requirements set forth in the Test Administration Manual to:
 - (a) Administer;
 - (b) Score;
 - (c) Manage; and
 - (d) Document the district and school assessments of students' proficiency in the Essential Skills required to receive a high school diploma or a modified diploma.
- (13) School districts and public charter schools shall establish conduct and discipline policies addressing student-initiated test impropriety.
- (14) School districts and public charter schools shall allow students to use assessment options and achievement standards adopted by the State Board of Education in a student's ninth through twelfth grade years as follows:
 - (a) Students may demonstrate proficiency in the Essential Skills using assessment options adopted in their ninth through twelfth grade years.
 - (b) Students may use achievement standards adopted in their 9th through 12th grade years that are equal to or lower than the achievement standards approved as of March 1 of the students' 8th grade year.
- (15) Districts may develop and administer a local assessment option for students to demonstrate proficiency in the Essential Skills, using established professional and technical standards in place of the assessment options adopted by the State Board of Education as described in section 14 of this rule. Districts that choose this option are required to publish:
 - (a) A communication strategy to ensure stakeholders are notified of the district's approach to the local assessment option; and
 - (b) Materials written in plain language that contain descriptions of the
 - (A) Purpose of the assessment;
 - (B) Scoring methodology;
 - (C) Method by which students and parents will receive results from the assessment;
 - (D) Criteria for determining student proficiency using the assessment; and
 - (E) Criteria for determining which students will have access to the assessment
- (16) The ODE shall publish the subset of Essential Skills assessment options and the associated performance levels which may be used by each of Oregon's post-secondary institutions as defined by those institutions' policies provided to the ODE by October 15 of each year.
- (17) The Essential Skills identified by the State Board of Education as of July 1, 2008 are as follows:
 - (a) Read and comprehend a variety of text;
 - (b) Write clearly and accurately;
 - (c) Apply mathematics in a variety of settings;
 - (d) Listen actively and speak clearly and coherently;
 - (e) Think critically and analytically;
 - (f) Use technology to learn, live, and work;
 - (g) Demonstrate civic and community engagement;
 - (h) Demonstrate global literacy; and

- (i) Demonstrate personal management and teamwork skills.
- (18) School districts and public charter schools shall include one or more local performance assessments for grades 3 through 8 and for high school for each of the following skill areas:
 - (a) Writing;
 - (b) Speaking;
 - (c) Mathematical problem-solving; and
 - (d) Scientific inquiry.
- (19) School districts and public charter schools may include one social science analysis work sample that is administered in accordance with school district or public charter school policies as a local performance assessment for grades 3 through 8 and for high school.
- (20) For students on an Individualized Education Plan (IEP) or 504 Plan, if a student's IEP or 504 Team determines that the nature of a student's disability prevents the student from demonstrating proficiency in an Essential Skill using any of the approved assessment options listed in the Test Administration Manual, the student's IEP Team may exempt the student from the requirement as listed in the Test Administration Manual and determine an appropriate replacement assessment option for the student to use that addresses the Essential Skill in a manner that is consistent with:
 - (a) The student's instructional plan; and
 - (b) The state assessment criteria adopted by the State Board of Education.
- (21) For students seeking a modified diploma, school districts and public charter schools may modify the assessment options adopted by the State Board of Education when the following conditions are met:
 - (a) For students on IEP or 504 Plans:
 - (A) School districts and public charter schools must comply with all requirements established by the student's IEP or 504 Plan when implementing modifications for work samples;
 - (B) School districts and public charter schools must comply with OAR 581-022-2100 section (4)(d) when implementing modifications for a statewide assessment.
 - (b) For students not on IEP or 504 Plans:
 - (A) School districts and public charter schools may only implement modifications for work samples that are consistent with the modifications the student has received during instruction in the content area to be assessed in the year in which the work sample is administered.
 - (B) School districts and public charter schools must obtain approval from the school team responsible for monitoring the student's progress toward the modified diploma before implementing modifications for work samples.
 - (C) Consistent with OAR 581-022-2100, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.
- (22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating in the 2021-2022, 2022-23, & 2023-24 school years.



Senate Bill 744 Implementation

First Read : Assessment of Essential Skills

State Board of Education

January 20, 2022

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Our Time Today



[Image Source](#)

- Brief Review of Requirements and Timeline of [Senate Bill 744](#)
- OAR Change at 581-022-2115 - Extending the Suspension of the Assessment of Essential Skills
- Oregon's Graduation Requirements
- Canvas of State Graduation Policies and Practices
- Engagement Update

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Senate Bill 744 Requirements

[Senate Bill 744](#) maintains Oregon's rigorous high school credit requirements for graduation. **Students are required to have knowledge and skill in reading, writing, and math to graduate with a diploma in Oregon.**

Senate Bill 744 directs ODE to use a transparent process that is equitable, accessible and inclusive to:

- **Review existing state requirements for earning each of the diplomas and alternative certificates** as prescribed by state law and rules adopted by the State Board of Education.
- **Review inequities and disparities that may exist** including the causes of disparities that have resulted from the requirements and whether the requirements have been applied inequitably to different student populations.

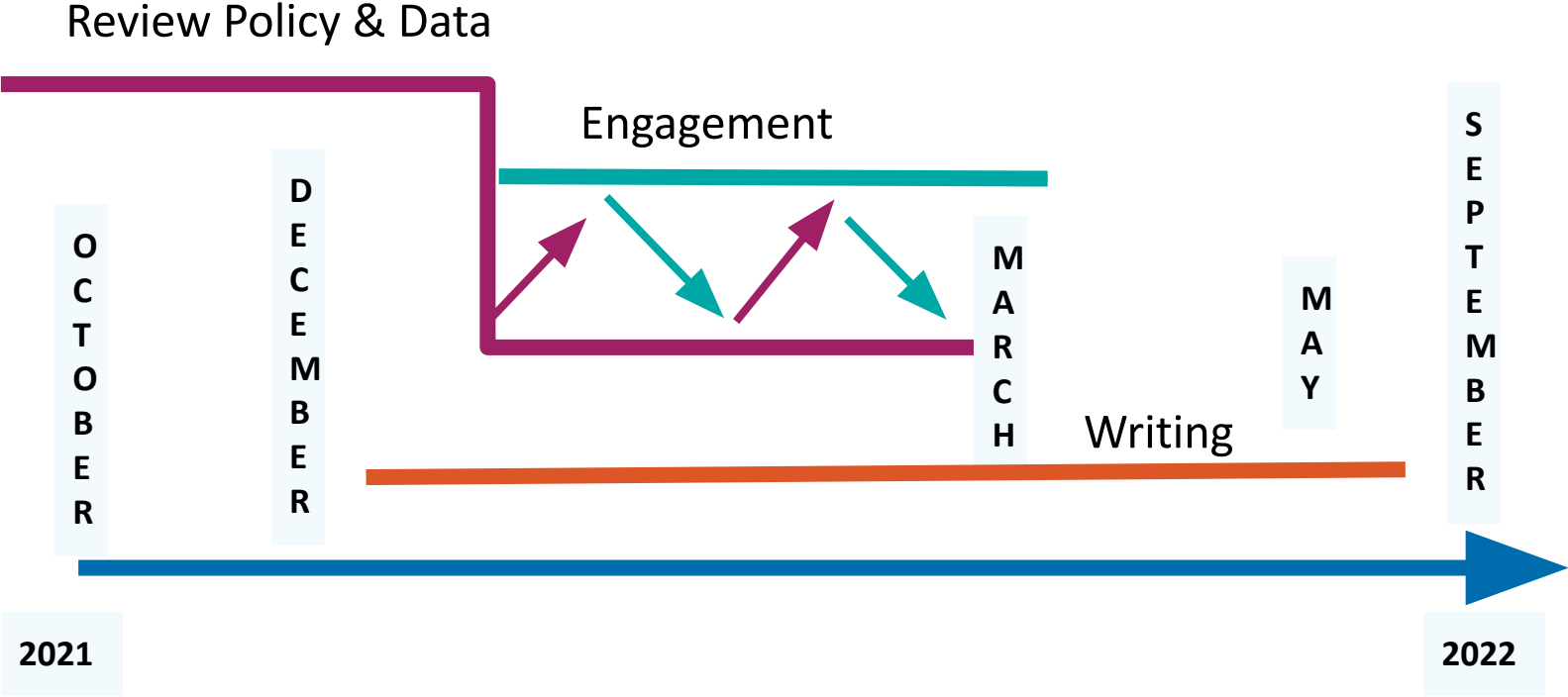
SB 744 - Requirements, cont.

- Review other state graduation models
- Examine local implementation
- Canvas expectations of employers and post-secondary institutions
- Engage Oregon's diverse communities
- Temporarily suspend the assessment of Essential Skills requirement
- Produce a report to the Legislature and the State Board of Education by September 1, 2022

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Focus
Today

Implementation Timeline



Requested OAR Change

- Pursuant to SB 744, students are not required to demonstrate proficiency in relation to Essential Skills in order to receive an Oregon Diploma through the 2023-24 school year
- The State Board is asked to extend the suspension of the Assessment of Essential Skills at OAR 581-022-2115
 - (22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating in the 2021-2022, 2022-23, & 2023-24 school years

Oregon Credit Requirements

Subject Areas	Oregon Diploma	Oregon Modified Diploma	Oregon Extended Diploma
English Language Arts	4	3	2
Mathematics	3 ¹	2	2
Science	3 ²	2	2
Second Language; Arts; CTE	3	1	1
Health	1	1	1
PE	1	1	1 175
Electives	6	12	
Social Sciences	3 ³	2	3 ⁴
Total Credits	24	24	12

2022 Oregon Graduation Requirements

- Complete all course and credit requirements
- Complete all [Personalized Learning](#) requirements
 - Education Plan and Profile
 - Career Related Experience
 - Extended Application
- Suspended through 2023-24: **Demonstrate proficiency in the Essential Skills of reading, writing, and mathematics with state-approved assessment options*

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Note: Personalized Learning requirements do not apply to the Extended Diploma or the Alternate Certificate

State Exit Examination Trends

- Only 11 states had graduation exit examinations in place for ELA and math in 2020 (FL, LA, MA, MD, MI, NJ, NM, NY, OH, TX, and VA)
- 12 states recently ended graduation exit examinations (AR, AZ, CA, GA, ID, IN, MN, NV, OK, RI, SC, and WA)
- 1 state placed an exit examination moratorium (PA)
- 7 states delivered retroactive diplomas (AK, AZ, CA, GA, NV, SC, and TX)¹⁷⁷
- 1 state was planning a new series of graduation examinations (CO)

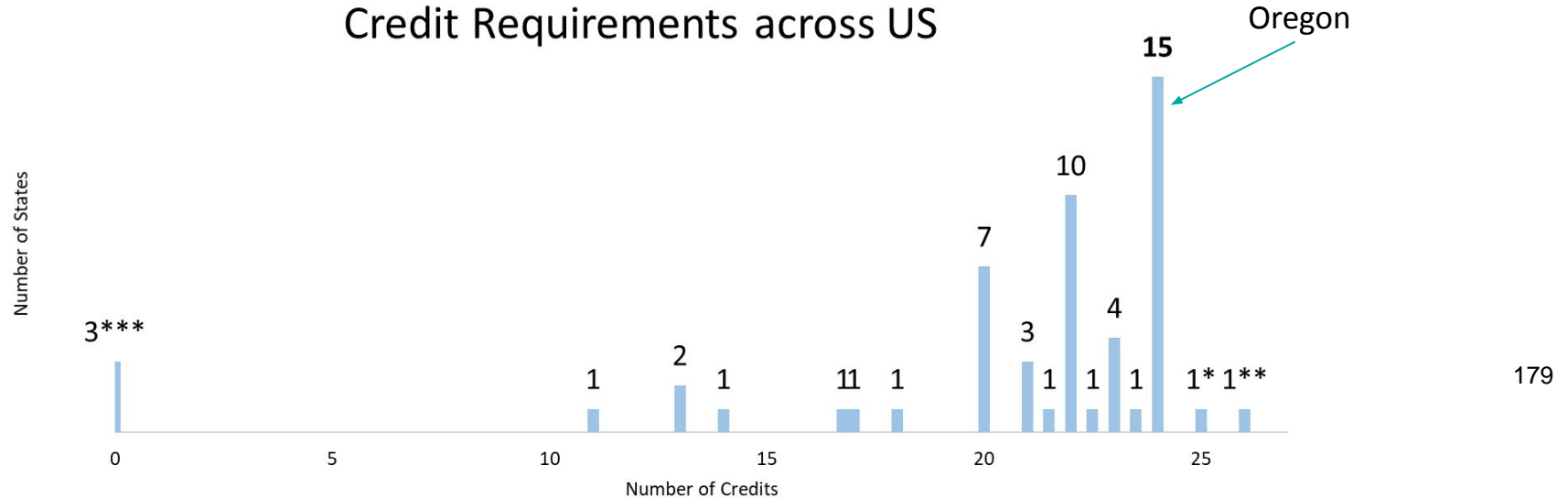
Source: [FairTest.org](https://www.fairtest.org)

ESSA Diploma Requirements

- ESSA counts only regular, on-time diplomas as part of official graduation rates (Oregon has made the argument that the modified diploma is substantially similar to the regular diploma, given that it also requires 24 credits)
- States have transitioned to having multiple pathways to the same diploma versus having multiple diplomas

National Credit Requirements

Credit Requirements across US



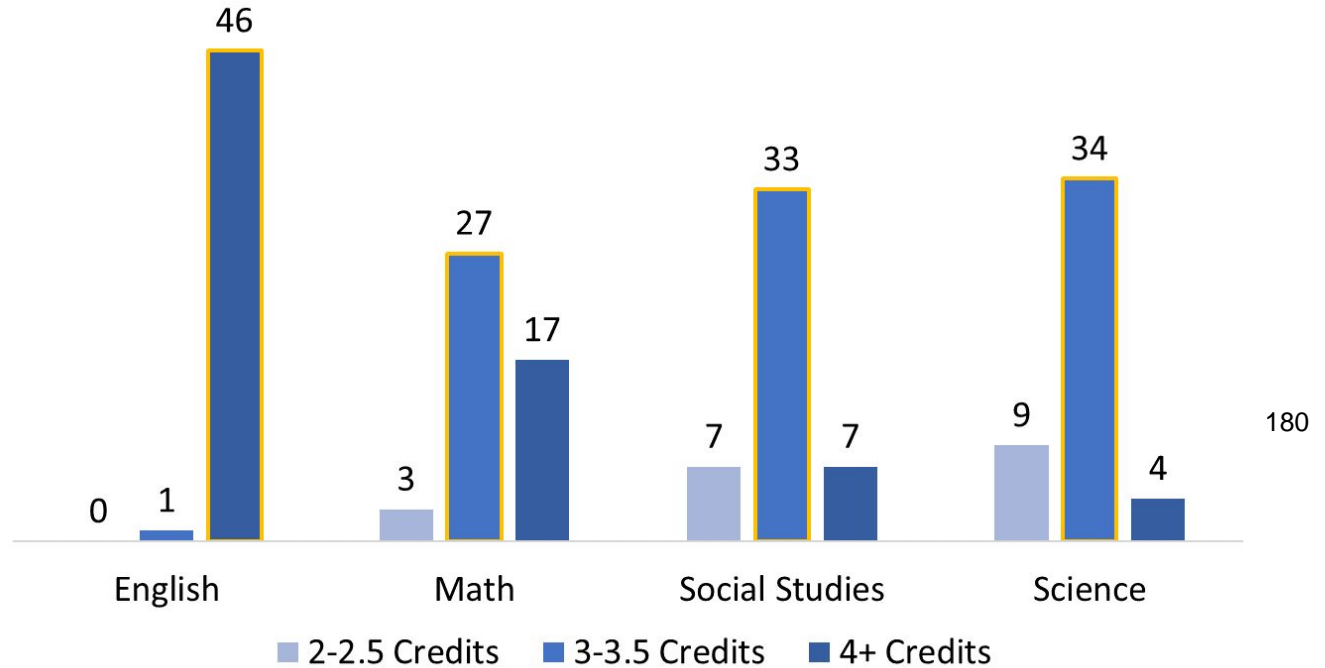
*Connecticut will require 25 credits beginning with graduates in 2023

** DoD requires 26 credits

*** 3 states allow districts to determine credit requirements with no statewide minimum

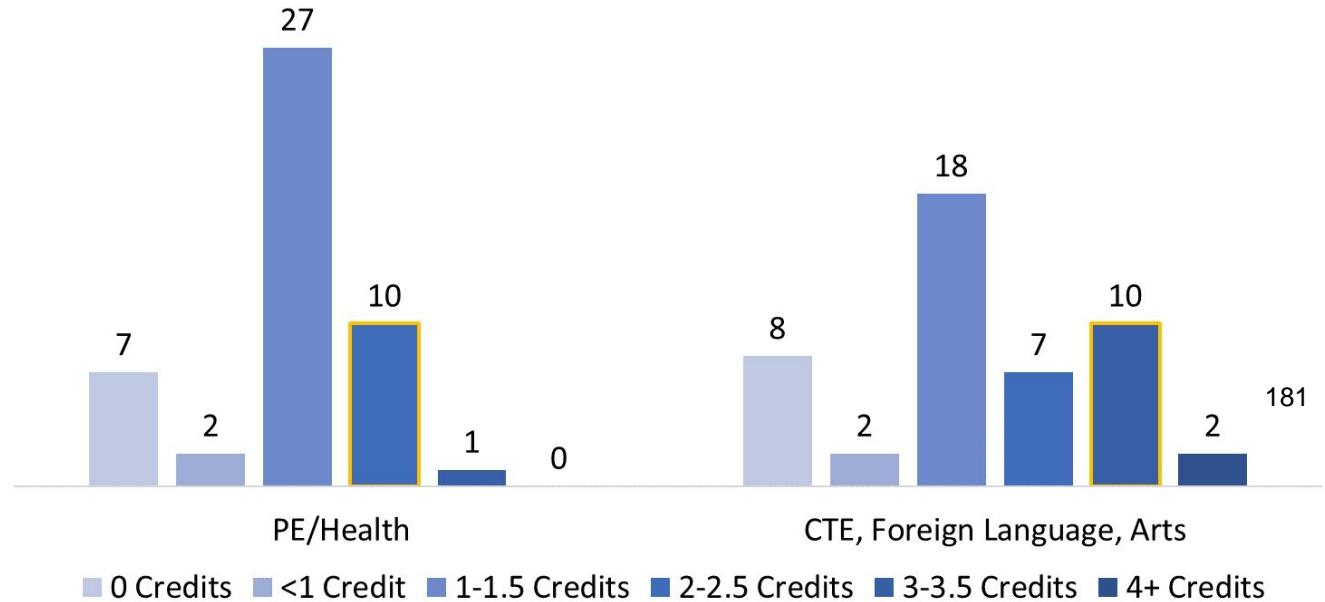
Credits for Graduation by Subject

Yellow border shows Oregon's current requirements



Credits for Graduation by Subject


Yellow border shows Oregon's current requirements



Math Credit Requirements by State

	n	%
No specifics	12	28%
Requires at least Algebra I	31	72%
Requires only Algebra I	6	14%
Requires Geometry	20	47%
Requires Algebra II	14	33%
Requires unspecified course(s) above Algebra I	2	5%
Requires unspecified course(s) above Geometry	3	7%

Oregon



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Graduation Decision-making Policies

- 47 states and the District of Columbia have minimum statewide high school graduation requirements.
- 3 states allow local districts to decide graduation requirements: Colorado, Massachusetts, and Pennsylvania, but all three have a statewide assessment or recommended graduation requirements.
- 16 states offer diploma options other than the standard diploma type^{1,83} and six states offer multiple standard diploma options.
- 17 states specify non-course requirements as a condition of graduation in state policy.

State Policies of Interest

- Rhode Island: In process of recommending a new diploma but have [multiple graduation pathway endorsements](#).
- Ohio: [Class of 2023](#) has 20 credit requirement, a demonstration of competency and a demonstration of readiness as the basis of their diploma.
- Connecticut: [New diploma adopted in 2017](#) allows for more student choice and personalized pathways. Class of 2023 will be required to complete 25 credits, but have flexibility in the types of humanities, STEM, and other courses. ¹⁸⁴

ODE-Facilitated Engagements

ODE is coordinating engagements with multiple internal and external education partners

- Government to Government with Tribes in Oregon
- Student Success Teams ([SACSE](#), [EL Advisory](#), [African-American/Black](#), [Latino/a/x & Indigenous](#), and [LGBTQ2SIA+](#))
- Oregon Educators (migrant education coordinators, special education directors, English language coordinators, high school counselors, high school educators)
- Oregon Administrators (high school principals)

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Community Connections

Personal connections to groups defined by SB 744

- Relationship building
- Identify important connectors and connection points for people
- Co-create engagement efforts and activities
- Work with compensated community organizers from those groups
- Make materials and events available in plain language and in multiple languages



Community Conversations

- Virtual meetings
- Hosted regionally, with dissemination via Oregon's 19 Education Service Districts
- 17 are currently planned: February 16 - March 17, 2022



Conversation



Thank you!

Dan Farley

Director of Assessment

581-021-0600

Menstrual Dignity for Students: Definitions

The following definitions apply to OAR 581-021-0600 to 581-021-0609:

- (1) "Bathroom" means a space with a toilet, a sink, and a trash receptacle that is privately accessible to students. Bathrooms may be single stalled or an aggregation of individual toilet compartments, including in locker rooms.
- (2) "Dispenser" means a container sufficient to hold menstrual products and can include something installed on a wall or placed on a shelf.
- (3) "Products" means tampons and menstrual pads.
- (4) "Public school building" means a building used by a public education provider to provide educational services to students.
- (5) "Student bathroom" means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males.

Statutory/Other Authority: HB 3294 (2021)

Statutes/Other Implemented: HB 3294 (2021)

581-021-0603

Menstrual Dignity for Students: Requirements

- (1) All education providers shall install in every student bathroom:
 - (a) At least one dispenser that:
 - (A) Does not require inserting coins or money;
 - (B) Is clearly marked as free in at least two languages;
 - (C) Is ADA compliant;
 - (D) Is located in a place where all students can access products ~~privately~~; and
 - (E) Provides a variety of products with consideration of absorbency and size.

(2) Notwithstanding subsection (1), for the 2021-22 school year, all education providers shall stock and maintain menstrual product dispensers in at least two student bathrooms in each public school building. Education providers shall determine where to prioritize dispenser installation considering all-gender access to menstrual products and student privacy.

Statutory/Other Authority: HB 3294 (2021)

Statutes/Other Implemented: HB 3294 (2021)

[581-021-0606](#)

Menstrual Dignity for Students: Education

(1) All education providers shall provide health and sexuality education that ~~covers~~ includes information on menstrual health. The education must:

- (a) Be inclusive and affirming of transgender, non-binary, ~~and~~ intersex, and two spirit/indigiqueer students;
- (b) Be positive and nNot ~~be~~ fear- or shame-based;
- (c) Be age-appropriate;
- (d) Be medically-accurate;
- (e) Be culturally responsive; and
- (f) Be accessible for students with disabilities.

(2) All education providers shall provide and display menstrual product instructions ~~on how to use menstrual products~~ within the bathroom. The instructions must:

- (a) Be inclusive and affirming of transgender, non-binary, ~~and~~ intersex, and two spirit/indigiqueer students;
- (b) Be positive and nNot ~~be~~ fear- or shame-based;
- (c) Be age-appropriate;
- (d) Be medically-accurate.
- (e) Be culturally responsive; and
- (f) Be accessible for students with disabilities.

Statutory/Other Authority: ORS 326.051; HB 3294 (2021)

Statutes/Other Implemented: HB 3294 (2021)

[581-021-0609](#)

Menstrual Dignity for Students: Reimbursement Program

(1) The Department shall determine how much funding is available each year for eligible entities based on annual ADM and a 49/51 split of available funding. The Department shall use the most current finalized ADM from the State School Fund from the prior year.

(2) The following education providers are eligible to receive the menstrual product reimbursement:

- (a) School districts;
- (b) Public charter schools; and
- (c) Education service districts.

(3) Education providers shall electronically submit applications to the Department within the required timelines and on forms developed by the Department.

(4) Education providers shall be reimbursed for actual costs incurred. Actual costs incurred may include the following:

- (a) Products;
- (b) Dispensers; [and](#)
- (c) Installation costs.

[; and](#)

~~(d) Trash receptacles.~~

(5) Any unspent funds for the first year of the biennium shall be rolled ~~into forward and used in~~ the distribution of funds for the second year of the biennium. If the total amount to be distributed does not exceed the amount of available funding for the biennium, any remaining amount shall be redistributed to the State School Fund and reconciled in the payment process per ORS 327.095.

Statutory/Other Authority: HB 3294 (2021)

Statutes/Other Implemented: HB 3294 (2021)

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<p>SUBJECT: Menstrual Dignity Act Permanent Rules STAFF NAME & OFFICE: Sasha Grenier, Office of Teaching and Learning</p> <p>The Menstrual Dignity Act is an important piece of legislation that went into effect in July, 2021. The Act creates the requirement for school districts to provide free menstrual products for all menstruating students in public schools in Oregon, including elementary, middle, and high school students.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - b. What is the current requirement in rule or statute?
 - c. Why is this rule being brought forward right now?
2. Purpose
 - a. What function does the current rule hold?
 - b. How long has the rule been in place?
3. Does the board have any areas of discretion or is this strictly mirroring statute?
 - a. If the board does have discretion, those areas should be called out here or in the next section.
4. Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - b. What did engagement in this process entail?
 - c. Who may be affected by this?
 - d. Whose voice is missing?
 - e. What additional information does the Board need prior to moving forward?

The Menstrual Dignity Act (HB 3294, 2021) is an important piece of legislation that went into effect the 2021-22 school year. The Act created the requirement for school districts to provide free menstrual products for all menstruating students in public schools in Oregon, including elementary, middle, and high school students. This new program will help students participate actively in classes and school activities by alleviating some of the economic strain and experiences of shame that are often barriers for menstruating students accessing their education.

The State Board voted to pass the Menstrual Dignity for Students temporary rules (581-21-0600 through 581-21-0609) on September 16th, 2021. After that, ODE released [the Menstrual Dignity Toolkit](#), created with over 40 stakeholders and partners. The Toolkit was created to provide

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information to schools on how to provide menstrual products in a way that centers inclusivity, privacy, access, and education. The extensive engagement that informed the Toolkit has also worked to inform the permanent rules.

We have involved many stakeholders in drafting the temporary rule. ODE has convened a stakeholder group with members from many school districts, ESDs, community-based organizations, student-led organizations, school boards, county and state government, and more. Members include students, teachers, school finance staff, school administrators, adolescent health experts, and representatives of community-based organizations. Beyond the stakeholder group, we have solicited internal and external feedback through Zoom meetings and a public Google Survey, as well as ODE’s Rules Advisory Committee.

SUMMARY OF PREVIOUS BOARD ACTION

1. Has this been before the board before? If so, what action did the board take?
Yes, the Board voted to pass the temporary rules during the September State Board meeting.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

N/A; first read—hasn’t been before board

No; same as last month

Yes – As follows:

- o **OAR 581-021-0606 Menstrual Dignity for Students: Education**

- Change (1) “All education providers shall provide health and sexuality education that **includes covers information on** menstrual health. The education must:
 - (a) Be inclusive and affirming of transgender, non-binary, intersex, **and two spirit/indigiqueer students;**
 - (b) **Be positive** and not fear- or shame-based

(2) All education providers shall provide **and display** menstrual product instructions ~~on how to use menstrual products~~ within the bathroom.

- o **OAR 581-021-0609, Menstrual Dignity for Students: Reimbursement Program**

- (5) Any unspent funds for the first year of the biennium shall be **rolled into forward and used in** the distribution of funds for the second year of the biennium.
- (4) Education providers shall be reimbursed for actual costs incurred. Actual costs incurred may include the following:

- (a) Products;
- (b) Dispensers; and
- (c) Installation costs.
- ~~(d) Trash receptacles.~~

POLICY ISSUE OR CONCERNS

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These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - b. Who are the historically underserved groups affected?
 - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?
 - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
2. Negative/Positive Effects
 - a. What is the impact on the population most affected by this rule that the board should consider?
 - b. What possible opportunities, assets or access could this rule provide?
 - c. What is the impact on eliminating the opportunity or achievement gap?
 - d. Have all the potential unintended consequences been considered?
 - e. Does this rule advance the ESSA goals?
3. What are the barriers to more equitable outcomes, either:
 - a. State or federally mandated?
 - b. Political?
 - c. Emotional?
 - d. Financial?
 - e. Programmatic?
 - f. Language?
 - g. Geography?
 - h. Size?

There are many components of this Act to closely consider. The intention of the Act is to serve all students equitably with a service that will help them access their education. We know that many students confront barriers related to economic strain, fear, and shame when accessing and using menstrual products and menstrual education—and this Act aims to remedy these inequities. In order to fulfill these intentions of the Act, the rules center student privacy, inclusivity, and accessibility.

After hearing from stakeholders, including youth and youth-serving professions, we understand that equity, privacy, and dignity is a central component to this law. Students must have access to menstrual products in private space that does not require asking a school nurse, counselor, school staff, or other students for supplies. This is also important to serve transgender, non-binary, intersex, and two spirit/indigiqueer students.

The Act also specifies that products must be available in gender neutral, female-designated, and male-designated bathrooms. We have worked with members of the LGBTQ2SIA+ community to

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ensure that the rule supports, affirms, and includes these students. Similarly, we have also heard concerns to include elements of cultural responsiveness into the education portions of the rule. Instructions, visuals—and even the products themselves must both incorporate and affirm the diversity of Oregon’s student population. Requirements that ensure that students with disabilities have access to these products through considerations including, but not limited to ADA dispenser compliance, offering a variety of products, and inclusive educational supports.

We’ve also been listening to staff from school districts, who have been expressing concern with implementation, compliance, and reporting. We’re working to ensure that funding fulfills our own auditing and reporting requirements without causing an undue burden on school district staff.

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

In March, dozens of students shared their stories to the [House Committee on Education](#). These stories were moving and profound, and, unfortunately, often marked by shame and trauma. There were stories about desperately seeking out menstrual products from strangers in the hallway while missing testing time during a college entrance exam, about sacrificing the price of a meal to buy pads, and so many more. According to a [joint survey](#) by Thinx and the Oregon-based organization PERIOD, 1 in 4 teens have missed class due to a lack of access to menstrual products.

Providing free menstrual products to students is an equity issue. Students who experience poverty, houselessness, or come from systems-impacted communities, including transgender, non-binary, intersex, and two spirit/indigiqueer students, are more likely to have unmet menstrual needs. This Act will most directly benefit them.

The proposed rules provide for requirements that will ensure that menstrual products are provided equitably. This means including dispenser requirements that are posted in at least

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two languages, are ADA compliant, and more. Similarly, the classroom and bathroom education must be provided that is affirming to all gender identities and is culturally responsive.

FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
2. How does the proposed rule change impact school districts and ESDs?
3. How does the proposed rule change impact schools and other educational institutions?
4. Does the proposed rule change impact other stakeholders?

This Act includes a \$5,595,000 carve-out of the State School Fund. Each district will have a grant allocation based on their ADM. Then, districts will report their actual costs incurred for the program to the Department. Costs covered will include dispensers, installation, tampons, menstrual pads, and trash receptacles.

School districts may also face some additional costs not covered by this program, such as costs associated with menstrual health education and sexuality education.

EFFECT OF A "YES" OR "NO" VOTE

Explain the consequences of a Board approving or not approving the staff recommendation.

The effect of a 'yes' vote will be to support school districts implement this important legislation. Since this Act came into effect in July of 2021, school districts are looking to the rules for guidance and clarity.

The effect of a 'no' vote will be that school districts will have unmet implementation needs and questions as they navigate compliance with this legislation.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: [ODE's Menstrual Dignity for Students Toolkit](#)



Menstrual Dignity for Students Permanent Rulemaking

State Board of Education January 20, 2021

Sasha Grenier, MPH, CHES (she/her)
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Menstrual Dignity for Students Program

Timeline

- The Menstrual Dignity Act ([HB 3294](#), 2021) was enacted **July 1, 2021**
- Engagement with dozens of public, private, community-based partners, students, educators, advocates, and many others
- Presented temporary rules at the RAC on September 9, 2021
- Presented and passed temporary rules at the SBE on September 16, 2021
- Worked with 40+ community members to develop the [Menstrual Dignity for Students Toolkit](#) and press release
- Launched public engagement survey to coalesce learnings into permanent rule
- Presented permanent rules at the RAC on January 6, 2022
- First read of permanent rules at the SBE on January 20, 2022

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Menstrual Dignity for Students Program

Requirements snapshot

- ❑ Products and dispensers must be installed in **at least two student bathrooms by 2021-22** and in **all student bathrooms by 2022-23**.
- ❑ **Products and dispensers** must be provided in a **safe, private, accessible, and gender-affirming** manner. Schools should plan program details, including **dispenser selection, product variety, and placement**.
- ❑ **Education** must cover menstrual health as a **positive** part of being human, without shame, and that is **affirming and accessible for all students of all genders**. Instructions must be available in bathrooms.

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A recap

Pillars of Menstrual Dignity

The Menstrual Dignity Act ([HB 3294](#), 2021), the temporary [OARs](#), and the [Menstrual Dignity for Students Toolkit](#) hold **student equity** and **menstrual dignity** at the center so that all students have the opportunity for safe, dignified self-care.

Privacy

- Space
- Autonomy
- Personal safety

Inclusivity

- Cultural responsiveness
- Gender affirming

Access

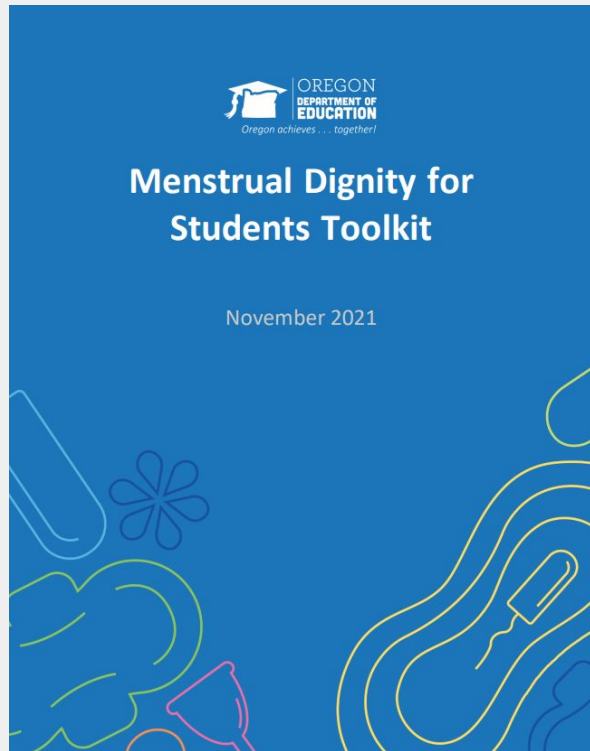
- For students of all abilities & languages
- Options & choice

Education

- Menstrual health
- Instructions
- Positive and not fear- or shame- based

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Menstrual Dignity for Students Toolkit Overview

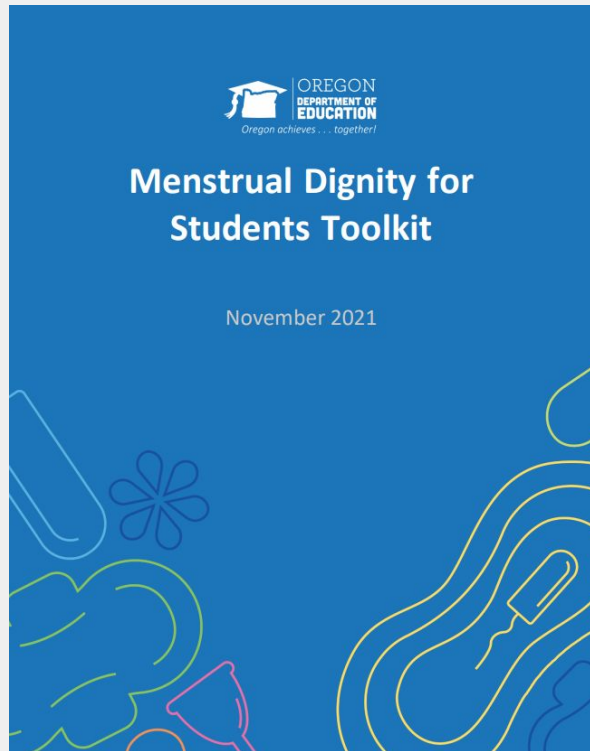


The Menstrual Dignity Act ([HB 3294](#), 2021) created the requirement for education providers to provide free menstrual products for all students in all public school buildings in Oregon.

What's included in the Toolkit?

- I. Introduction: Menstrual Dignity**
- II. Temporary Oregon Administrative Rules**
- III. Program Requirements**
 - A. Dispensers
 - B. Menstrual Products
 - C. Trash Receptacles
 - D. District Spotlight: Falls City School District
- IV. Education**
 - A. Menstrual Product Instructions
 - B. Menstrual Health Education in the Classroom
- V. Staff Engagement & Training**
 - A. Key Messages for Staff
 - B. Resources for Staff Training
- VI. Student & Youth Engagement**
 - A. Student-Facing Resources
- VII. Family & Community Engagement**
 - A. Sample Family & Community Letter
 - B. Tips for Menstruation - Positive Language for Families
- VIII. Funding & Reimbursement**
 - A. Processes, Documents, and Forms
- IX. Frequently Asked Questions (FAQ)**

School District Spotlight



Oregon Department of Education

School District Spotlight

The Menstruation Station, Falls City School District

In 2018, the *Everyday Matters* team at the Falls City School District High School found an unsettling trend. Menstruating students were losing class time, leaving early, and missing school altogether because of unaddressed menstrual discomforts, including premenstrual syndrome (PMS) symptoms and not having menstrual products for use at school.

The team led a campaign to provide students with resources, affirmation, and visibility. The menstrual dignity of students came to the foreground—from the focus of a middle school leadership class project to high school bathrooms posters stating, *You matter... Period. Take what you need.* The message was clear: menstruation is to be celebrated, not stigmatized.

The district team also understood a need to connect with school staff on the importance of the program. The team worked to allay staff discomforts and to address misconceptions with information and support.

Ultimately, the district's program was successful because they heard their students. They bought cabinets to stock with a variety of products, coordinated a "shopping day" where high school students could take the products they would need during the summer, hosted a pizza



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Do you have a success story to share? We'd love to hear from you, learn from you, and celebrate your work. Please email us at ode.menstrual-dignity@state.or.us

Understanding the Toolkit

Equity-centric recommendations based on the four pillars of menstrual dignity are included below requirements throughout toolkit

Menstrual Products

In order to accommodate the natural variation of body size and menstrual flow of students who menstruate, a variety of products including absorbency and size are required. Variety of products is also an important culturally responsive practice, which honors a range of values and beliefs around menstrual product use.

“**Products**’ means tampons and menstrual pads.”

OAR 581-021-0600

Requirements Per OAR [581-021-0603](#)

- (1) All education providers shall install in every student bathroom (a) at least one dispenser that:
 - (E) Provides a **variety of products** with consideration of absorbency and size options

Recommendations

Based on these *pillars of menstrual dignity*: **Privacy** **Inclusivity** **Access** **Education**

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- When determining product availability, schools can also consider having a **mix of single use and reusable** products available per building.
- Monitoring **student input** and **actual product use** should inform selection of product sizes, absorbency, and brands. Prioritize [student engagement](#).
- Address [myths](#) around **tampon use** and safety.

For information on different types of menstrual products, click on the blue button below.

Click for Menstrual Product Options 1-Pager



Passed: Temporary Oregon Administrative Rules (OARs)

The Oregon State Board of Education passed the below temporary Oregon Administrative Rules (OARs) at the September 2021 meeting. **These rules are the foundation of the MDFS program.**

I. [OAR 581-021-0600](#) **Menstrual Dignity for Students: Definitions**

- This rule provides for key definitions of the rule, including “bathroom”, “dispenser”, “products”, “public school building”, and “student bathroom.”

II. [OAR 581-021-0603](#) **Menstrual Dignity for Students: Requirements**

- This rule describes dispenser and product requirements, including technical implementation components necessary for privacy, accessibility, and gender inclusivity.

III. [OAR 581-021-0606](#) **Menstrual Dignity for Students: Education**

- This rule explains the education requirements that accompany product access and center positive attitudes towards menstruation and health.

IV. [OAR 581-021-0609](#) **Menstrual Dignity for Students: Reimbursement Program**

- This rule clarifies the statutory requirements for how districts, ESDs, and charter schools may receive funding from the Department for program implementation, describing eligible expenses and the process for reimbursement.

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Proposed Changes

From OAR 581-21-0600:

(1) “**Bathroom**” means a space with a toilet, a sink, and a trash receptacle that is **privately** accessible to students. Bathrooms may be single stalled or an aggregation of individual toilet compartments, including in locker rooms.

Proposed Rule Changes

- OAR 581-21-0603 Menstrual Dignity for Students: Requirements
 - (1) All education providers shall install in every student bathroom:
 - (a) At least one dispenser that:
 - (A) Does not require inserting coins or money;
 - (B) Is clearly marked as free in at least two languages;
 - (C) Is ADA compliant;
 - (D) Is located in a place where all students can access products **privately**; and
 - (E) Provides a variety of products with consideration of absorbency and size.

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Proposed Changes

Proposed Rule Changes

- OAR 581-021-0606 Menstrual Dignity for Students: Education
 - Change (1) “All education providers shall provide health and sexuality education that ~~covers~~ **includes information on** menstrual health. The education must:
 - (a) Be **inclusive and** affirming of transgender, non-binary, intersex, **and two spirit/indigiqueer** students;
 - (b) **Be positive and** not fear- or shame-based
 - (2) All education providers shall provide **and display** menstrual product instructions ~~on how to use menstrual products~~ within the bathroom. The instructions must:

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Proposed Changes

Proposed Rule Changes

- OAR 581-021-0609, Menstrual Dignity for Students: Reimbursement Program
 - (5) Any unspent funds for the first year of the biennium shall be rolled **into** ~~forward and used in~~ the distribution of funds for the second year of the biennium.”
 - (4) Education providers shall be reimbursed for actual ²¹⁰ costs incurred. Actual costs incurred may include the following:
 - (a) Products;
 - (b) Dispensers; and
 - (c) Installation costs.
 - ~~(d) Trash receptacles.~~



Thank you! Questions?

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Vision Screening Reimbursement Program

State Board of Education January 20, 2021

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Vision Screening Reimbursement Program

Timeline

- [SB 222](#) enacted July 1, 2021
- Engagement with educational partners and external vision screening provider partners.
- Presented temporary rules at the RAC on September 9, 2021.
- Presented and passed temporary rules at the SBE on September 16, 2021.
- Continued engagement with stakeholders to create new reimbursement form and process.
- Continued engagement as part of permanent rulemaking.
- Presented permanent rules at the RAC on January 6, 2021.
- Presented permanent rules at the SBE on January 20, 2021.

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Vision Screening Reimbursement Program

Program snapshot

- ❑ [SB 222 \(2021\)](#) expanded the parties eligible for reimbursement under the Vision Screening Reimbursement grant, from “educational institutions” to “persons”.
- ❑ [OAR 581-021-0031](#) currently stipulates a process for reimbursing school districts for expenses incurred for providing vision screenings, which are usually provided by external vision screeners.
- ❑ This amended OAR will allow external vision screening providers **to be reimbursed directly by ODE**, rather than through a school district.

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Proposed Changes

Proposed Rule Changes

No changes to the temporary rule passed in September.

- OAR 581-21-0031: Vision Screening
 - Adds “(7) For each biennium that the Legislature appropriates money to the Department for the purpose of reimbursing education providers or **an organization** that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule for vision screening, the Department will administer reimbursements to education providers or **an organization** that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule.

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Thank you! Questions?

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581-021-0031
Vision Screening

(1) Definitions:

(a) "Education provider" means:

(A) Oregon prekindergarten as defined in OAR 581-019-0005 to 0035; and

(B) School district board as defined in ORS 332.002.

(b) "Eye examination" means an eye exam that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 a person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease; and

(B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Health care practitioner," for the purposes of this rule, means a Physician (MD), Physician's Assistant (PA), Doctor of Osteopathic Medicine (DO) licensed by the Oregon Medical Board, a Nurse Practitioner licensed by the Oregon State Board of Nursing, or a Naturopathic Physician licensed by the Board of Naturopathic Medicine.

(d) "Vision screening" means an eye screening test to identify potential vision health that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease;

(C) A health care practitioner as defined in section (1)(c) of this rule;

(D) A school nurse, a licensed Registered Nurse or Nurse Practitioner working for a school district to provide school health services, or an employee of an education provider who has successfully completed training on vision screening that is provided by a school nurse or, a licensed Registered Nurse or Nurse Practitioner working for a school district to provide school health services ; or

(E) An organization that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule.

(e) "Vision Health Record," for the purposes of this rule, has the same meaning as "Education Records" in OAR 581-021-0220(6).

(2) Each education provider must:

(a) Require a student who is age seven or younger and entering an educational program for the first time to submit certification within 120 days of the student beginning school, that the student received:

(A) A vision screening or an eye examination; and

(B) Any further eye examinations or necessary treatments or assistance of the powers or range of vision of the eye.

(b) If a child enters an educational program without certification of vision screening, provide the parent with informational resources about:

(A) Student vision screenings and eye examinations; and

(B) Any further examinations or necessary eye or vision treatments.

(c) File in the student's vision health record any certifications or results of vision screening or eye examination;

(d) Ensure that the requirements of this rule are met.

(3) A student is not required to submit certification required in subsection (2) of this rule if the student provides a statement from the parent of the child that:

(a) The student submitted certification to a prior education provider; or

(b) The student's or parent's religious beliefs are contrary to vision screening or eye examination.

(4) Failure by a student or parent to meet the requirements of this rule may not result in prohibiting the student from attending school, but may result in withholding report cards or similar actions.

(5) Certification of a vision screening or eye exam is documented using any written communication method selected by the screening entity to report results of the screening and/or eye exam to parents. The communication must include the:

(a) Child's name;

(b) Vision screening and/or eye examination date;

(c) Results of the screening and/or eye exam; and

(d) Name of the entity conducting the screening and/or eye exam.

(6) The Oregon Department of Education shall annually develop a list of organizations that are approved to perform vision screenings.

(a) The Department will post a Request for Information no later than March 31 of each year. The Request for Information will remain posted through June 30 of that calendar year. The Department will review and approve applications on a rolling basis, beginning as early as January 1 of each year and concluding July 31 of that calendar year.

(b) The Department will convene an advisory group to review applications and make recommendations to the Department. The advisory group will include:

(A) Representatives from the field of optometry and ophthalmology who have expertise in vision screening and experience in pediatric vision care;

(B) Representatives from the field of school health;

(C) Representatives from organizations that provide pediatric vision screening including at least one representative from a culturally specific organization.

(c) To be included on the list of approved organizations,

(A) The organization must instruct all volunteers on how to perform vision screening using an established program which is evidence-based and uses medically accepted standards for screening by non-medically licensed persons, including volunteers;

(B) The organization must demonstrate compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA); and

(C) The organization must use a vision screening method or tool that is designed to detect Hyperopia, Astigmatism, Anisometropia, Myopia, Strabismus, and Amblyopia.

(d) Once an organization has been approved by the Department, the organization may remain on the list for a period of three years.

(7) For each biennium that the Legislature appropriates money to the Department for the purpose of reimbursing education providers or an organization that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule for vision

screening, the Department will administer reimbursements to education providers or an organization that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule. The Department shall administer the reimbursements as follows:

(a) Each biennium the Department will determine the amount of money available for reimbursement in a given year by dividing the total funds available for that biennium in half.

(b) Reimbursements will be made for vision screenings as defined in this rule.

(c) In the event that claims for reimbursement exceed the amount for available for a given year, the Department will prioritize claims for reimbursement as follows:

(A) Claims for reimbursement for pre-kindergarten programs and grades kindergarten through grade 3 shall be paid in full first. If the approved claims submitted for prekindergarten and grades K-3 exceed the amount available in a given year, the reimbursement shall be divided equally among the approved claims.

(B) Claims for reimbursement for students in grades 4-12 shall be paid from any remaining funds. Priority will be given to claims submitted by schools that serve the highest percentage of students experiencing poverty.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.D.

<p>SUBJECT: Vision Screening Reimbursements OAR 581-021-0031 STAFF NAME & OFFICE: Sasha Grenier, Office of Teaching and Learning</p> <p>SB 222 (2021) expanded the list of reimbursable parties under the Vision Screening Reimbursement Program to include external vision screening providers.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - b. What is the current requirement in rule or statute?
 - c. Why is this rule being brought forward right now?
2. Purpose
 - a. What function does the current rule hold?
 - b. How long has the rule been in place?
3. Does the board have any areas of discretion or is this strictly mirroring statute?
 - a. If the board does have discretion, those areas should be called out here or in the next section.
4. Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - b. What did engagement in this process entail?
 - c. Who may be affected by this?
 - d. Whose voice is missing?
 - e. What additional information does the Board need prior to moving forward?

This rule is being presented to the Board to reflect the 2021 changes included in SB 222. This new law expanded the parties eligible for reimbursement under the Vision Screening Reimbursement grant, from “educational institutions” to “persons”. As it currently is, OAR 581-021-0031 stipulates a process for reimbursing school districts for expenses incurred for providing vision screenings, which are usually provided by external vision screeners. OAR 581-021-0031 also describes a process for approving these external vision screeners to work in school settings. This amended OAR will allow these external vision screening providers to be reimbursed directly by ODE, rather than through a school district.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.D.

SUMMARY OF PREVIOUS BOARD ACTION

1. Has this been before the board before? If so, what action did the board take?
Yes, the State Board voted to approve the temporary rules in the September 2021 meeting.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
 No; same as ~~last month~~ temporary rules
 Yes – As follows:

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - b. Who are the historically underserved groups affected?
 - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?
 - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
2. Negative/Positive Effects
 - a. What is the impact on the population most affected by this rule that the board should consider?
 - b. What possible opportunities, assets or access could this rule provide?
 - c. What is the impact on eliminating the opportunity or achievement gap?
 - d. Have all the potential unintended consequences been considered?
 - e. Does this rule advance the ESSA goals?
3. What are the barriers to more equitable outcomes, either:
 - a. State or federally mandated?
 - b. Political?
 - c. Emotional?
 - d. Financial?
 - e. Programmatic?
 - f. Language?
 - g. Geography?
 - h. Size?

This change in statute came out of concerns from school districts and external vision screening providers that the process was overly cumbersome. Previously, the process usually looked like: a

Oregon State Board of Education

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AGENDA ITEM: 8.D.

vision screener provided services in schools and then invoiced the district, and districts would submit a reimbursement form to ODE including required student and district information, they would claim their grant payment, and then pay off the screener's invoices. Some of these stakeholders would prefer the more direct option of reimbursing the approved providers directly.

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

This program will continue to serve students with unaddressed vision needs and will continue to benefit students, especially those who are underserved and/or without health care access. Districts may find these options easier, which may mean that more students are served.

FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
2. How does the proposed rule change impact school districts and ESDs?
3. How does the proposed rule change impact schools and other educational institutions?
4. Does the proposed rule change impact other stakeholders?

None.

EFFECT OF A "YES" OR "NO" VOTE

Explain the consequences of a Board approving or not approving the staff recommendation.

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AGENDA ITEM: 8.D.

A 'yes' vote would mean that districts will have a rule to reflect the change in statute.

A 'no' vote would mean that the current rule would not reflect the change in statute.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: OAR 581-21-0031 Temporary Rules



Menstrual Dignity for Students Permanent Rulemaking

State Board of Education January 20, 2021

Sasha Grenier, MPH, CHES (she/her)
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Menstrual Dignity for Students Program

Timeline

- The Menstrual Dignity Act ([HB 3294](#), 2021) was enacted **July 1, 2021**
- Engagement with dozens of public, private, community-based partners, students, educators, advocates, and many others
- Presented temporary rules at the RAC on September 9, 2021
- Presented and passed temporary rules at the SBE on September 16, 2021
- Worked with 40+ community members to develop the [Menstrual Dignity for Students Toolkit](#) and press release
- Launched public engagement survey to coalesce learnings into permanent rule
- Presented permanent rules at the RAC on January 6, 2022
- First read of permanent rules at the SBE on January 20, 2022

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Menstrual Dignity for Students Program

Requirements snapshot

- ❑ Products and dispensers must be installed in **at least two student bathrooms by 2021-22** and in **all student bathrooms by 2022-23**.
- ❑ **Products and dispensers** must be provided in a **safe, private, accessible, and gender-affirming** manner. Schools should plan program details, including **dispenser selection, product variety, and placement**.
- ❑ **Education** must cover menstrual health as a **positive** part of being human, without shame, and that is **affirming and accessible for all students of all genders**. Instructions must be available in bathrooms.

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A recap

Pillars of Menstrual Dignity

The Menstrual Dignity Act ([HB 3294](#), 2021), the temporary [OARs](#), and the [Menstrual Dignity for Students Toolkit](#) hold **student equity** and **menstrual dignity** at the center so that all students have the opportunity for safe, dignified self-care.

Privacy

- Space
- Autonomy
- Personal safety

Inclusivity

- Cultural responsiveness
- Gender affirming

Access

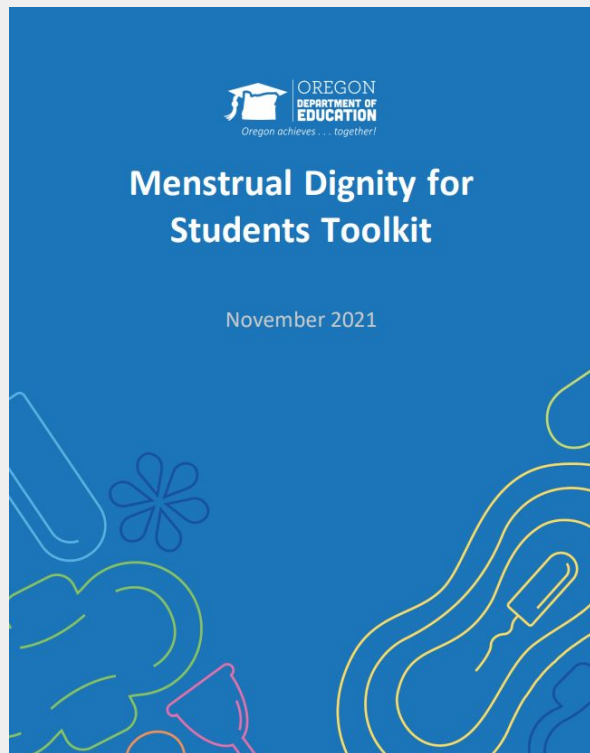
- For students of all abilities & languages
- Options & choice

Education

- Menstrual health
- Instructions
- Positive and not fear- or shame- based

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Menstrual Dignity for Students Toolkit Overview

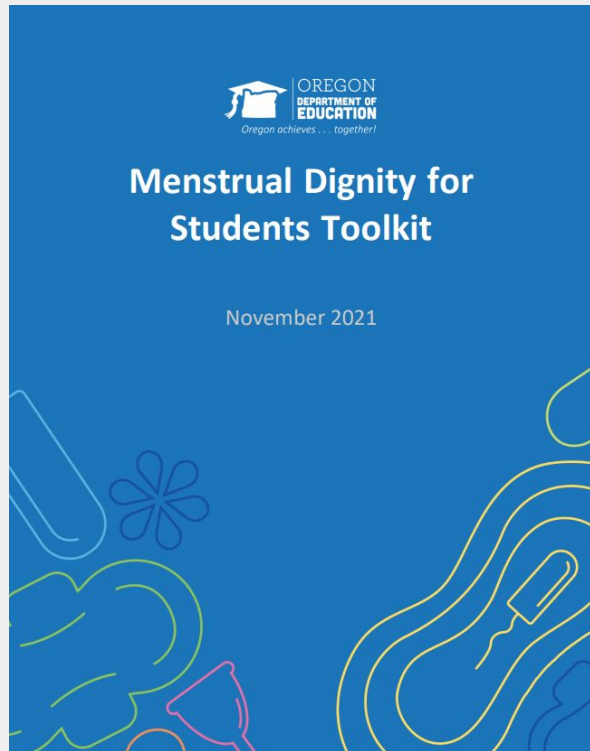


The Menstrual Dignity Act ([HB 3294](#), 2021) created the requirement for education providers to provide free menstrual products for all students in all public school buildings in Oregon.

What's included in the Toolkit?

- I. Introduction: Menstrual Dignity**
- II. Temporary Oregon Administrative Rules**
- III. Program Requirements**
 - A. Dispensers
 - B. Menstrual Products
 - C. Trash Receptacles
 - D. District Spotlight: Falls City School District
- IV. Education**
 - A. Menstrual Product Instructions
 - B. Menstrual Health Education in the Classroom
- V. Staff Engagement & Training**
 - A. Key Messages for Staff
 - B. Resources for Staff Training
- VI. Student & Youth Engagement**
 - A. Student-Facing Resources
- VII. Family & Community Engagement**
 - A. Sample Family & Community Letter
 - B. Tips for Menstruation - Positive Language for Families
- VIII. Funding & Reimbursement**
 - A. Processes, Documents, and Forms
- IX. Frequently Asked Questions (FAQ)**

School District Spotlight



School District Spotlight

The Menstruation Station, Falls City School District

In 2018, the *Everyday Matters* team at the Falls City School District High School found an unsettling trend. Menstruating students were losing class time, leaving early, and missing school altogether because of unaddressed menstrual discomforts, including premenstrual syndrome (PMS) symptoms and not having menstrual products for use at school.

The team led a campaign to provide students with resources, affirmation, and visibility. The menstrual dignity of students came to the foreground—from the focus of a middle school leadership class project to high school bathrooms posters stating, *You matter... Period. Take what you need.* The message was clear: menstruation is to be celebrated, not stigmatized.

The district team also understood a need to connect with school staff on the importance of the program. The team worked to allay staff discomforts and to address misconceptions with information and support.

Ultimately, the district's program was successful because they heard their students. They bought cabinets to stock with a variety of products, coordinated a "shopping day" where high school students could take the products they would need during the summer, hosted a pizza



Do you have a success story to share? We'd love to hear from you, learn from you, and celebrate your work. Please email us at ode.menstrual-dignity@state.or.us

Understanding the Toolkit

Equity-centric recommendations based on the four pillars of menstrual dignity are included below requirements throughout toolkit

Menstrual Products

In order to accommodate the natural variation of body size and menstrual flow of students who menstruate, a variety of products including absorbency and size are required. Variety of products is also an important culturally responsive practice, which honors a range of values and beliefs around menstrual product use.

“**Products**’ means tampons and menstrual pads.”

OAR 581-021-0600

Requirements Per OAR [581-021-0603](#)

- (1) All education providers shall install in every student bathroom (a) at least one dispenser that:
 - (E) Provides a **variety of products** with consideration of absorbency and size options

Recommendations

Based on these *pillars of menstrual dignity*: **Privacy** **Inclusivity** **Access** **Education**

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- When determining product availability, schools can also consider having a **mix of single use and reusable** products available per building.
- Monitoring **student input** and **actual product use** should inform selection of product sizes, absorbency, and brands. Prioritize [student engagement](#).
- Address [myths](#) around **tampon use** and safety.

For information on different types of menstrual products, click on the blue button below.

[Click for Menstrual Product Options 1-Pager](#)



Passed: Temporary Oregon Administrative Rules (OARs)

The Oregon State Board of Education passed the below temporary Oregon Administrative Rules (OARs) at the September 2021 meeting. **These rules are the foundation of the MDFS program.**

I. [OAR 581-021-0600](#) **Menstrual Dignity for Students: Definitions**

- This rule provides for key definitions of the rule, including “bathroom”, “dispenser”, “products”, “public school building”, and “student bathroom.”

II. [OAR 581-021-0603](#) **Menstrual Dignity for Students: Requirements**

- This rule describes dispenser and product requirements, including technical implementation components necessary for privacy, accessibility, and gender inclusivity.

III. [OAR 581-021-0606](#) **Menstrual Dignity for Students: Education**

- This rule explains the education requirements that accompany product access and center positive attitudes towards menstruation and health.

IV. [OAR 581-021-0609](#) **Menstrual Dignity for Students: Reimbursement Program**

- This rule clarifies the statutory requirements for how districts, ESDs, and charter schools may receive funding from the Department for program implementation, describing eligible expenses and the process for reimbursement.

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Proposed Changes

From OAR 581-21-0600:

(1) “**Bathroom**” means a space with a toilet, a sink, and a trash receptacle that is **privately** accessible to students. Bathrooms may be single stalled or an aggregation of individual toilet compartments, including in locker rooms.

Proposed Rule Changes

- OAR 581-21-0603 Menstrual Dignity for Students: Requirements
 - (1) All education providers shall install in every student bathroom:
 - (a) At least one dispenser that:
 - (A) Does not require inserting coins or money;
 - (B) Is clearly marked as free in at least two languages;
 - (C) Is ADA compliant;
 - (D) Is located in a place where all students can access products **privately**; and
 - (E) Provides a variety of products with consideration of absorbency and size.

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Proposed Changes

Proposed Rule Changes

- OAR 581-021-0606 Menstrual Dignity for Students: Education
 - Change (1) “All education providers shall provide health and sexuality education that ~~covers~~ **includes information on** menstrual health. The education must:
 - (a) Be **inclusive and** affirming of transgender, non-binary, intersex, **and two spirit/indigiqueer** students;
 - (b) **Be positive and** not fear- or shame-based
 - (2) All education providers shall provide **and display** menstrual product instructions ~~on how to use menstrual products~~ within the bathroom. The instructions must:

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Proposed Changes

Proposed Rule Changes

- OAR 581-021-0609, Menstrual Dignity for Students: Reimbursement Program
 - (5) Any unspent funds for the first year of the biennium shall be rolled **into** ~~forward and used in~~ the distribution of funds for the second year of the biennium.”
 - (4) Education providers shall be reimbursed for actual ²³⁵ costs incurred. Actual costs incurred may include the following:
 - (a) Products;
 - (b) Dispensers; and
 - (c) Installation costs.
 - ~~(d) Trash receptacles.~~



Thank you! Questions?

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Vision Screening Reimbursement Program

State Board of Education January 20, 2021

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Vision Screening Reimbursement Program

Timeline

- [SB 222](#) enacted July 1, 2021
- Engagement with educational partners and external vision screening provider partners.
- Presented temporary rules at the RAC on September 9, 2021.
- Presented and passed temporary rules at the SBE on September 16, 2021.
- Continued engagement with stakeholders to create new reimbursement form and process.
- Continued engagement as part of permanent rulemaking.
- Presented permanent rules at the RAC on January 6, 2021.
- Presented permanent rules at the SBE on January 20, 2021.

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Vision Screening Reimbursement Program

Program snapshot

- ❑ [SB 222 \(2021\)](#) expanded the parties eligible for reimbursement under the Vision Screening Reimbursement grant, from “educational institutions” to “persons”.
- ❑ [OAR 581-021-0031](#) currently stipulates a process for reimbursing school districts for expenses incurred for providing vision screenings, which are usually provided by external vision screeners.
- ❑ This amended OAR will allow external vision screening providers **to be reimbursed directly by ODE**, rather than through a school district.

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Proposed Changes

Proposed Rule Changes

No changes to the temporary rule passed in September.

- OAR 581-21-0031: Vision Screening
 - Adds “(7) For each biennium that the Legislature appropriates money to the Department for the purpose of reimbursing education providers or **an organization** that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule for vision screening, the Department will administer reimbursements to education providers or **an organization** that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule.

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Thank you! Questions?

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Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.E.

<p>SUBJECT: Intensive Coaching and Student Success Teams—Administrative Rules/ OAR 581-017-0729 to OAR 581-017-0744</p> <p>STAFF NAME & OFFICE: Tim Boyd, Sarah Rosenberg, and Chelsea Mabie (District and School Effectiveness)</p> <p>These rules pertain to the Intensive Coaching Program, a program “for school districts with the highest needs in the state” which was established as part of the Student Success Act. This program provides each participating district with additional support and funding through Student Success Teams. The proposed rule changes include: 1) making a temporary rule related to initial coordinating funds permanent; and 2) minor edits to improve the coherence of the rules.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History

During the 2019 legislative session, Oregon’s leaders passed the Student Success Act, which established the Intensive Coaching Program (ICP) “for school districts with the highest needs in the state.” This program is by invitation, and only school districts are eligible. The program hinges on Student Success Teams, a joint effort between expert stewards, district leadership, and an ODE staff member who will propose recommendations to the district on effectively spending their state funding. The Oregon Department of Education is currently implementing the Intensive Coaching Program, and these amendments to rule will support clear and effective implementation.

2. Purpose

The purpose of the rule amendment is to support ODE in assisting participating school districts to access grant-in-aid funds to cover a limited amount of cost for skilled coordination and collaboration with the Department ahead of the Student Success Team making formal recommendations. In order for the Student Success Team to make informed recommendations, they need a period of time to learn about the district and its needs. This limited funding will support program implementation while the Student Success Team completes its initial onboarding.

There are also a few minor edits to improve coherence and clarity in the rules (i.e. shifting the term from “Advisor” to “Steward” to align with the rest of the rule.)

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AGENDA ITEM: 8.E.

3. Does the board have any areas of discretion or is this strictly mirroring statute?

The State Board of Education has discretion to develop rules that pertain to additional funding (grant-in-aid) for participating school districts.

4. Stakeholder voice/input (individual and collective i.e., groups)

The Oregon Department of Education’s District and School Effectiveness team, specifically Tim Boyd (Director of District and School Effectiveness), Sarah Rosenberg (Operations and Policy Analyst), and Chelsea Mabie (Education Specialist) were responsible for developing these rule changes and bringing them to the Board. Feedback from school districts as well as previous Rules Advisory Committee meetings were considered in developing the proposed change.

SUMMARY OF PREVIOUS BOARD ACTION

In December, 2020, the State Board approved these program rules, and, in September 2021, the State Board approved the temporary rule related to coordination costs.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
 No; same as last month
 Yes – As follows:

INITIAL COORDINATING FUNDS: This is currently a temporary rule that the Department is recommending to be permanent. In 581-017-0741, the Department is proposing adding item #4 below and the clause “All remaining funds” has been added to item #5.

581-017-0741 Intensive Program & Student Success Teams: Funding

1. Available funds will be distributed based on ADMw
2. Maximum allocations will not exceed 50% of the total available funds per district
3. Minimum allocations will not fall below 5% of the total available funds per district
4. **A portion of the allocation of at least \$50,000 but not to exceed 5% of the total allocation may be used to support coordination and collaboration between The Department and the district.**
5. *All remaining funds* will be spent in accordance with recommendations from the Student Success Teams

MINOR EDITS

Under 581-017-0729, the Department proposes:

(10) “Stewarding Members” are the ODE point person, the Leadership **Steward Advisor**, the Teaching and Learning **Steward Advisor**, the Community **Steward Advisor**, the district superintendent, a school board member or community member, and a classroom teacher.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.E.

Under 581-017-0738 (b), the Department proposes:

- b. Commitment to membership and representation on the Student Success Team; Whether by formal participation or through consultation, the experiences of the following perspectives, where applicable, must be included in decision-making considerations by **the group of Stewarding Members Stewardship Group**:

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. *Stakeholders*

- a. *How have you intentionally involved stakeholders who are also members of communities affected by this rule?*

The initial rules developed for the program were informed by several rounds of engagement with the Rules Advisory Committee. The proposed changes were informed by additional input from school districts during the invitation process of the program.

- b. *Who are the historically underserved groups affected?*

The proposed changes will not have any immediate or direct impact on underserved groups. The changes offer a small adjustment to processes for accessing additional grant in aid intended to accelerate the implementation of the program as well as a process for school districts to appeal recommendations.

- c. *If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?*

The rules for the Intensive Program and Student Success Team(s) are an extension of the Student Success Act and Student Investment Account initiatives and founded upon authentic and ongoing engagement of historically underserved communities, staff, and students.

Districts who accept participation in the program will be expected to formally consult with or include tribal leadership in the recommendation of the Student Success Teams where appropriate and applicable.

- d. *How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?*

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.E.

The rules for the Intensive Program and Student Success Team(s) are an extension of the Student Success Act and Student Investment Account initiatives and are founded upon authentic and on-going engagement of historically underserved communities, staff and students.

2. *Negative/Positive Effects*

- a. *What is the impact on the population most affected by this rule that the board should consider?*

Making this temporary rule permanent has the potential to add human capital and capacity to participating districts. Feedback from local advisory groups shared concern that without additional capacity, responsibilities for this program would fall on staff who already manage significant responsibilities. While small, this change aims to ensure the program receives proper focus.

- b. *What is the impact on eliminating the opportunity or achievement gap?*

Through this program, we aspire to close the opportunity and achievement gap in the state. By providing additional support, resources, and funding to the districts with the highest needs as well as deeply engaging with each district's community throughout the process, we hope to change the trajectory for these districts. Each of the participating districts have unrelenting and longstanding gaps, and we see this program as an opportunity to close them and, equally important, provide a playbook for other districts in the state to do similar work.

- c. *Have all the potential unintended consequences been considered?*

To the best of our ability, we've explored and attempted to address unintended consequences of this program and proposed rules.

- d. *Does this rule advance the 40/40/20 goals?*

Again, this program is an extension of the SSA / SIA and aims to close the opportunity and achievement gaps in the school districts with the highest needs, contributing directly to the 40/40/20 goals. By providing additional resources to districts who have consistently underperformed, we also see this program as elevating substantial and heretofore untapped potential for higher education in Oregon's students.

3. *What are the barriers to more equitable outcomes, either:*

The program is expressly aimed at addressing the barriers that will lead to more equitable outcomes. The success teams are designed to review progress, examine barriers preventing goals from being met, and strategize to alleviate those barriers.

Oregon State Board of Education

January 20, 2022

AGENDA ITEM: 8.E.

EQUITY IMPACT ANALYSIS

Oregon’s leaders placed equity at the heart of the Student Success Act. This program is purposefully focused on providing additional support and funding to districts who have failed their students, disproportionately those from historically underserved communities.

The proposed rule change helps further the Student Success Act’s commitment to equity by making resources available to participating districts, helping keep the focus and attention on the overall goals of the law. The additional resources will enhance coordination and collaboration between the participating district and The Department and will help accelerate the implementation of the program.

FISCAL ANALYSIS

ODE anticipates that these proposed rule changes will have a positive fiscal impact on participating school districts (and their schools) given the additional funding as part of the program. The rules provide more detail around the maximum and minimum amount of funding that each district can receive to ensure that funding is equitably distributed to participating districts (e.g. that funding does not go entirely to one large district and that small districts receive sufficient funding to have an impact on their operations.)

These rules have no significant fiscal impact on ODE and ESDs.

EFFECT OF A “YES” OR “NO” VOTE

Approving these rules allows participating school districts immediate access to portions of the additional grant in aid to support coordination of the program.

Not approving the amendment may impede participating district’s participation in the program until formal success teams have the opportunity to meet and pose recommendations pertaining to the coordination of the program.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: Intensive Program and Student Success Teams – Funding OAR 581-017-0741.docx

581-017-0729 Intensive Program & Student Success Teams: Definitions

The following definitions apply to OAR 581-017-0729 to 581-017-0744:

(1) “Advisory Members” may include Education Service District staff, additional Department staff, district contracted personnel, additional district educators (principals, teachers and paraprofessionals), students and family and community members.

(2) “Community Steward” means the person designated by the Department who, among other things, brings expertise and experience in developing relational and operational community agreements aimed at fostering shared accountability for changing practice, policy and experiences.

(3) “Department” means the “Oregon Department of Education”.

(4) “Focal Student Group” means the specific groups of students outlined in ORS 327.180(2)(b).

(5) “Leadership Steward” means the person designated by the Department who, among other things, brings expertise and experience in transformational education leadership aimed at dismantling structures of systemic oppression.

(6) “ODE Point Person” means the designated, full-time Department employee who will serve on the Student Success Team.

(7) “Public Charter Schools” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to ORS 338.

(8) “School Districts” means an Oregon common school district, joint school district, or union high school district.

(9) “Sovereign Nation” means designated representation from one of Oregon’s nine Federally recognized Native American tribes.

(10) “Stewarding Members” are the ODE point person, the Leadership ~~Advisor~~Steward, the Teaching and Learning ~~Advisor~~Steward, the Community ~~Advisor~~Steward, the district superintendent, a school board member or community member, and a classroom teacher.

(11) “Student Success Team” means the group of Stewarding Members and the group of Advisory Members.

(12) “Teaching and Learning Steward” means the person designated by the Department who, among other things, brings deep knowledge and expertise in culturally responsive, sustaining and inclusive instructional practices.

Statutory/Other Authority: ORS 327.222

Statutes/Other Implemented: ORS 327.222

581-017-0738 Intensive Program & Student Success Teams: Criteria, Agreement and Establishing Improvement

(1) The department will prioritize districts with the greatest need as determined by a review of data. Districts with the highest need will receive priority. Given available resources, the department will determine the number of districts to include in the program.

(2) The Department will invite a minimum of three school districts and no more than 10 districts per biennium.

(3) Acceptance of the invitation requires:

(a) Four-year participation in the program that starts with the execution of grant agreements for additional funding; and

(b) Commitment to membership and representation on the Student Success Team:

(A) Whether by formal participation or through consultation, the experiences of the following perspectives, where applicable, must be included in decision-making considerations by the Stewardship Groupgroup of Stewarding Members:

(i) Focal student groups

(ii) General student body

(iii) Sovereign nation leadership

(c) Acceptance and implementation of the recommendations of the Student Success Team pursuant to terms outlined in ORS 327.222.

(4) At the end of the four years, participating school districts will have demonstrated improvement when:

(a) Student outcome data has improved to a point where the district would not be eligible for the program; and

(b) The Student Success Team determines the district has made progress in achieving the stated goals; and

(c) A community assessment indicates that sufficient progress has been made; and

(d) The school board and success teams have established a sustainability plan to preserve the progress and improvements made.

Statutory/Other Authority: ORS 327.222

Statutes/Other Implemented: ORS 327.222

581-017-0741 Intensive Program & Student Success Teams: Funding

(1) Available funds will be distributed based on ADMw.

(2) Maximum allocations will not exceed 50% of the total available funds per district.

(3) Minimum allocations will not fall below 5% of the total available funds per district.

(4) A portion of the allocation of at least \$50,000 but not to exceed 5% of the total allocation may be used to support coordination and collaboration between The Department and the district.

(5) All remaining Ffunds will be spent in accordance with recommendations from the Student Success Teams.

Statutory/Other Authority: ORS 327.222

Statutes/Other Implemented: ORS 327.222