



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
Public Service Building 251 A/B
255 Capitol Street NE
Salem, OR 97310
Thursday, May 18, 2023

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. Recruitment Update

Time: 9:05 AM

C. Board Member Reports

Time: 9:20 AM

D. Break

Time: 10:20 AM

E. Director's Report

Time: 10:25 AM

3

2. Public Comment

Time: 11:10 AM

A. The State Board of Education will accept up to 15 minutes of virtual public comment. Individuals must register to provide virtual comment. Written public comment received will be posted to BoardBook.

19

3. Consent Agenda

Time: 11:25 AM

A. Instructional Materials List Update - New Edition of Curriculum Associates' iReady

21

4. Adoptions

A. Division 22 Waiver Request: Eugene 4J

25

Time: 11:30 AM

Susan Payne, Office of Teaching, Learning, and Assessment

B. Charter School Waiver Request: The Sauvie Island School

41

Time: 11:40 AM

Kate Pattison, Office of the Director and Darla Meeuwsen, The Sauvie Island School



C. Charter School Waiver Request: The Kalmiopsis Community Arts School	64
<i>Time: 11:45 AM</i>	
Kate Pattison, Office of the Director and Kaci Masongill Elder, The Kalmiopsis Community Arts High School	
5. <u>First Readings</u>	
A. Cottonwood Charter School Contract 2023-2033	74
<i>Time: 11:50 AM</i>	
Kate Pattison, Office of the Director and Amanda McAdoo, The Cottonwood School of Civics and Science	
6. <u>Break for Lunch</u>	
<i>Time: 12:00 PM</i>	
7. <u>First Readings (continued)</u>	
A. Fingerprinting Background Check Rule Changes: OAR 581-021-0512 and 581-045-0587	137
<i>Time: 1:00 PM</i>	
Brock Dittus and Shonna Bumgarner, Pupil Transportation and Fingerprinting	
B. Compulsory Attendance Notices: OAR 581-021-0077	150
<i>Time: 1:10 PM</i>	
Maggie Mashia and Marnie Jewell, Office of Education Innovation and Improvement	
C. Educator Effectiveness Standards Rule Revision: OAR 581-022-2415 and 581-022-2420	160
<i>Time: 1:30 PM</i>	
Sarah Martin, Holly Carter, and Jennifer Patterson, Office of Teaching, Learning, and Assessment, and Anthony Rosilez, Teacher Standards and Practices Commission	
D. Oregon’s Transformative SEL Framework with K-12 Student Standards	180
<i>Time: 1:50 PM</i>	
Vanessa Martinez and Alexa Pearson, Office of Teaching, Learning, and Assessment, and members of the SEL Advisory Group	
E. 2023-2024 State Board of Education Leadership Nominations	224
<i>Written Report Only</i>	
8. <u>Adjourn</u>	
<i>Time: 2:30 PM</i>	



Oregon State Board of Education

Update

May 18, 2023

3

Today...

- COVID/Communicable Disease Update
- 2023 Legislative Session



Honeysett, Adam <Adam.Honeysett@ed.gov>
EMBARGOED: Two Oregon Students Named 2023 U.S. Presidential Scholars

To

THIS INFORMATION IS EMBARGOED UNTIL TOMORROW, WEDNESDAY, MAY 10 AT 10:00 AM EASTERN TIME
U.S. Department of Education
Office of Communications & Outreach, Press Office
400 Maryland Ave., S.W.
Washington, D.C. 20202

FOR IMMEDIATE RELEASE
May 10, 2023

CONTACT:
Press Office (202) 401-1576 or press@ed.gov

Two Oregon Students Named 2023 U.S. Presidential Scholars

U.S. Secretary of Education Miguel Cardona today announced the 59th class of U.S. Presidential Scholars, recognizing 161 high school seniors for their accomplishments in academics, the arts, and career and technical education fields.

The Oregon scholars include (hometown, scholar, school, location):

- OR – Albany – Caroline Xingyan Gao, West Albany High School, Albany, Oregon.
- OR – Portland – Rishab K. Jain, Westview High School, Portland, Oregon.

“U.S. Presidential Scholars have always represented the future of our country and the bright promise it holds. I want each of these remarkable students to know: your passion and intellect, pursuit of excellence, and spirit of service are exactly what our country needs,” said U.S. Secretary of Education Miguel Cardona. “On behalf of President Biden, I am delighted to join your family, friends, and communities in celebrating your accomplishments. Aim high, share your talents, and continue embracing opportunities to lead as your exciting future unfolds.”

The [White House Commission on Presidential Scholars](#) selects scholars annually based on their academic success, artistic and technical excellence, essays, school evaluations and transcripts, as well as a demonstrated commitment to community service and leadership.

Of the 3.7 million students expected to graduate from high school this year, more than 5,000 candidates qualified for the 2023 awards determined by outstanding performance on the College Board SAT or ACT exams or through nominations made by chief state school officers, other partner recognition organizations and [YoungArts](#), the National Foundation for the Advancement of Artists.

As directed by Presidential Executive Order, the 2023 U.S. Presidential Scholars are comprised of one young man and one young woman from each state, the District of Columbia and Puerto Rico, and U.S. families living abroad, as well as 15 chosen at-large, 20 scholars in the arts and 20 scholars in career and technical education.

Created in 1964, the U.S. Presidential Scholars Program has honored over 8,000 of the nation’s top-performing students. The program was expanded in 1979 to recognize students who demonstrate exceptional talent in the visual, literary and performing arts. In 2015, the program was again extended to recognize students who demonstrate ability and accomplishment in career and technical education fields.

The Presidential Scholars Class of 2023 will be recognized for their outstanding achievement this summer with an online recognition program. A complete list of 2023 U.S. Presidential Scholars is available at <http://www.ed.gov/psp>.

###

COVID-19 Public Health Emergency Expiration in Oregon

May 10th 2023



Key policy changes - Vaccination

- Oregon is lifting the vaccination requirement for health care workers.
- Oregon is lifting the vaccination requirement for K-12 workers.
- Oregon is **keeping** a requirement that commercial health insurers reimburse out-of-network providers for COVID-19 vaccines.

7

Key policy changes – COVID-19 Reporting

- Oregon Health Authority will no longer report COVID-19 cases on a weekly dashboard.
- Oregon Health Authority will no longer require reporting of COVID-19 tests to local public health authorities.

8

Key policy changes – Exposure, isolation guidance, testing

- Oregon is lifting the 5-day recommendations and requirements for isolation of positive COVID-19 cases in the general public including K-12 schools.
- Weekly opt-in "screening" testing for K-12 students and staff without COVID-19 symptoms will end July 31st.

Key policy change – Paid Parent Caregivers

- The PHE ending is resulting in the end of the allowance for parents to work as paid caregivers for their own minor children.

10

Emergency Allotments & P-EBT

Emergency Allotments

To help stabilize individuals and families during the pandemic, the federal government allocated funding to provide extra food benefits to eligible SNAP households.

- The end of emergency allotments **impacts every SNAP household in Oregon**,
 - Every household receives at least \$95 a month less per month than they did prior to the pandemic.
- This is a significant change that will increase food hardship for many individuals and families.

11

Pandemic-EBT (P-EBT)

P-EBT was created to help children who lost access to school meals during the pandemic.

- P-EBT benefits issued over the summer helped to address seasonal increases in child hunger.
- **Approximately 80,000 SNAP children 5 and under** are not eligible for the newly created summer P-EBT program.

5

COVID-era policies that will remain in effect

- An extension of a 90-day “reasonable opportunity period” for non-citizens to verify citizenship or immigration status to 180 days so they can enroll in the Oregon Health Plan.
- A requirement that commercial health insurers and OHP providers, including coordinated care organizations, continue to cover COVID-19 vaccinations and treatments.
- A requirement that Oregon health care providers be reimbursed for language interpreter services (spoken or signed) provided during an office visit.
- Oregonians will continue to have access to free COVID-19 vaccinations (if funding permits)
- A requirement that OHP providers offer access to telehealth services.

12



Legislative Update

13

2023 Legislative Session

- **1/17: 2023 Legislative Session Began**
- **2/1: Governor's Recommended Budget**
- **2/22: March Revenue Forecast**
- **4/4: First Chamber Work Session Deadline**
 - This is the last day for policy committees to move measures introduced in their chamber (i.e. Senate bills in the Senate, House bills in the House) out of committee. The deadline does not apply to Ways & Means, Revenue, Rules, and other joint committees.
- **5/17: June Revenue Forecast**
- **5/19: Second Chamber Work Session Deadline**
 - This is the last day for policy committees to move measures introduced in their chamber (i.e. Senate bills in the Senate, House bills in the House) out of committee. The deadline does not apply to Ways & Means, Revenue, Rules, and other joint committees.
- **6/15: Targeted Sine Die**
- **6/25: Constitutional Sine Die**

14

June (May 17) Revenue Forecast Highlights

- Oregon's budget position has improved significantly with a projected additional \$2.32 billion in general fund and lottery resources available to spend in the 2023-25 biennium.
- As with the last few forecasts, this results in record projected personal and corporate kickers and significant budget reserves for the state.
 - The personal kicker will top \$5.54 billion (up from \$3.93 billion).
 - The corporate kicker is now projected to be about \$1.82 billion (up about \$300 million).
 - State education reserve funds at the end of the 21-23 biennium are projected to include \$708 million in the Education Stability Fund and \$1.35 billion in the Rainy Day Fund.
- Corporate Activity Tax (CAT) revenues (which fund the Student Success Act) showed a projected increase in revenue of \$175.7 million for the 2023-25 biennium. This is a projected total of \$2.779 billion in the 23-25 biennium, about \$340 million more than last biennium.

15

ODE LCs, Pending Governor-Elect Approval

- **HB 2280: Definition of Consent for School Policies** - Stuck on Senate floor
- **HB 2281: District Appointed Civil Rights Coordinator** - Stuck on Senate floor
- **SB 215: Technical Fix Bill** - Passed out of Sen Rules 5-12-23
- **HB 2275: Grant Consolidation Work** - Referred to SED, work session today
- **SB 421: Racial Equity & Youth Justice Collaborative - HB 4099 (2022) - Sen. Dembrow** - Referred to W&Ms 16
- **HB 3144: PI/NH Student Success Plan - Rep. Nguyen & Gov. Kotek** - Referred to W&Ms
- **SB 1050: Professional Learning for Ethnic Studies and Holocaust/Genocide - Gov. Kotek** - Referred to W&Ms
- **SB 1002: Supporting Districts with School Safety & Emergency Management - Gov. Kotek** - Referred to Rev
- **SB 3198: Early Literacy - Gov. Kotek & Rep. Kropf** - Referred to W&Ms
- **SB 1045: Secretary of State Systemic Risk Report Response** - Gov. Kotek - Moved to Sen Rules, hearing today
- **LC 454: Refugee & Immigrant Student Success Plan** - Gov. Kotek

Other Education Legislation Under Consideration...

- **SB 275:** TSPC moving to ODE - On House floor, vote expected today
- **HB 3199:** Middle School PE requirements - Stuck on Senate floor
- **SB 285:** OSCIM bond matching grants - Passed HED 5/10
- **SB 3:** Future ready and financial literacy diploma requirements - Referred to W&Ms
- **SB 409:** Curriculum posting requirements - Referred to HED - Appears dead
- **SB 283:** Omnibus educator workforce bill - Referred to W&Ms
- **Several Bills:**
 - Student & staff safety (see below)
 - Greater support and accountability for serving students with disability
 - School accountability: Local vs. state authority - **SB 819-A16:** Sent to House floor, on a party line vote with two courtesy yes votes - \$3.6 million fiscal denied
 - School funding - **HB 5015:** SSF set at \$9.9 billion (including funding for school safety and the OYCP) by Joint Ways & Means Education Subcommittee on 5/11, moved to full Committee
 - Summer learning - continued advocacy, no Legislative movement

17

Questions?



18

ROSENBERG Corey * ODE

From: Advocacy OSCA <oscaadvocacy@oscainc.org>
Sent: Friday, April 21, 2023 9:11 AM
To: StateBoard Public Email
Subject: Public Comment

Dear State Board of Education Members ,

This is the email I sent to Melissa Goff as well as the six Senators who serve on the Senate Rules Committee about Senate Bill 1045.

I am writing you about SB 1045 that would increase accountability for school districts to comply with the Oregon Administrative Rules. I want to share with you one example of how the lack of accountability impacts the school counseling profession. I have been a school counselor, school counselor educator, and/or the Oregon School Counselor Association Advocacy Chair serving the profession in Oregon over the past forty-seven years.

Consider the following history regarding the Oregon Administrative Rules and comprehensive school counseling:

- 1996 - ODE developed OAR 581-022-1510 on Comprehensive Guidance and Counseling to implement statutes that were passed by the Legislature.
- 2002 - ODE convened a statewide content advisory panel to create Oregon's Comprehensive Guidance and Counseling Framework, which also outlined ASCA student standards that districts could use.
- 2002-04 - ODE was able to use Perkins funds to train districts on how to design, deliver and implement school counseling programs.
- 2008 - Minor updates were made to the Oregon Framework and OAR 581-022-1510.
- 2008-2017 - Along with significant cuts made by districts to school counselors and other personnel, ODE did not have a full-time school counseling specialist. For a number of years there was only enough funding for a .2 FTE responsible for comprehensive school counseling.
- February 29, 2016 - ODE hired a Career Readiness and School Counseling Specialist.
- 2016-17 - ODE convened a statewide content advisory panel to update Oregon's Framework and changed the name to *Oregon's Framework for Comprehensive School Counseling Programs*, updated rules removing "guidance counselors/counseling" and changed them to "school counseling/counselors", and formally adopted the Counseling Student Standards into OAR 581-022-2030.
- 2017 - OAR 581-022-1510 was renumbered to OAR 561-022-2060
- 2019 - The Oregon legislative session passed HB 2876 (ORS 329.603), which identified who can design, deliver and implement school counseling programs, and the limitations.
- 2019 - ODE convened a statewide advisory group to provide input/feedback on who can design, deliver and implement CSCP's. There was a statewide public comment

period. The feedback was analyzed and synthesized. OAR 581-022-2060 was then updated to reflect the input/feedback.

- 2022 - ODE contracted with Oregon State University counselor education to put a course online at the Willamette ESD that will walk district teams through the steps of developing and implementing comprehensive school counseling programs compliant with OAR 581-022-2060. This course is to be made available to districts by September, 2023.

Given this historical background of having comprehensive school counseling mandated by the OARs for the past 26+ years, you can understand the frustration/dismay/anger of school counselors that when superintendents submit their Division 22 Compliance Reports that almost all check that the district's comprehensive school counseling program complies with OAR 581-022-2060. Good faith estimates are, however, that if all 197 school district comprehensive school counseling programs were audited, we might find 10%-15% in fact comply with the OARs.

I will be providing similar testimony to the State Board of Education. For those of us who are developing the content for the ODE/OSU/WESD course, we would hope that the State Board of Education can convince Superintendents to provide us with accurate information such that our team can track the year-by-year increase in the number of districts which have used the course to comply with the OARs.

Respectfully,
Gene Eakin, PhD
Oregon School Counselor Association Advocacy Chair

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Curriculum Associates' iReady Math, OAR 581-011-0086

<p>SUBJECT: Instructional Materials List Update - New Edition of Curriculum Associates' K-5 iReady Math, OAR 581-011-0086</p> <p>STAFF NAME & OFFICE:</p> <p>The publisher, Curriculum Associates, has requested to update the 2020 version of K-1 iReady math materials, adopted by the State Board of Education in 2022, to the 2024 update. Substituted materials will be supplied to Oregon schools at the contract price of the originally adopted edition unless the price for the substituted price is lower than the 2020 contract price. The updated materials have been reviewed by OTLA's math education specialist, Mark Freed, who has confirmed the change to be an appropriate update.</p> <p><input 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 type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

The State Board of Education adopted Curriculum Associates' iReady Math 2020 edition as a recommended instructional resource for mathematics in October 2022. In 2023, the publisher Curriculum Associates published an updated edition of iReady Math. The updated version meets the mathematics adoption criteria set by the State Board of Education in 2022. The updated edition of iReady Math includes minor changes that increase the cultural and linguistic responsiveness of the materials.

Mark Freed, ODE's Mathematics Education Specialist, has completed a review of the materials to confirm that they are an appropriate update. Additionally, Northwest Textbook Depository was engaged to confirm that the update was appropriate and would not negatively affect districts currently using the 2020 edition of iReady. Districts would now be able to purchase the updated version of iReady for a contract price through Northwest Textbook Depository without conducting a formal independent adoption.

The State Board of Education has the discretion to approve the update to iReady or decline Curriculum Associates' request to update the materials from the 2020 edition to the 2024 edition. We are asking the State Board of Education to approve adding the new edition of iReady Math to the list of recommended mathematics instructional materials.

SUMMARY OF PREVIOUS BOARD ACTION

The math instructional materials list was adopted by the State Board of Education in October 2022. A first read of the request to update Curriculum Associates' K-5 iReady Math from the 2020 edition

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Curriculum Associates' iReady Math, OAR 581-011-0086

to the 2024 edition has not previously been brought 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
- Yes – As follows:

POLICY ISSUE OR CONCERNS

The impact of this approval is that districts will be allowed to purchase the updated edition of iReady for a stable contract price, guaranteed through January 2030, without conducting a formal independent adoption. Independent adoptions require districts to invest resources (time, labor, funds) in order to purchase and implement the materials. Since ODE has already reviewed the materials and confirmed they are appropriate for recommendation, districts who choose to use iReady 2024 will be positively impacted. The update to the mathematics adopted materials list will allow access to updated materials while maintaining the current contract price. ODE has considered all unintended consequences, and recommends the approval of this addition to the mathematics Instructional Materials list.

EQUITY IMPACT ANALYSIS

Districts will now have access to updated mathematics materials for the same price as the currently recommended 2020 edition. The updates to mathematics are intended to increase the cultural and linguistic responsiveness and relevance of the materials, and were developed to have a positive impact on student engagement.

According to the publisher, the K-1 updates include additional guidance on supporting the math practice standards, enhanced protocols for engagement that connects to more cultures, and support for language development for all children. The publisher reports that these enhancements were already made in grades 2-8 in 2022, but were not available for grades K-1 at the time of our state review. The updates to the K-1 materials are now ready, and would provide greater consistency across elementary grade levels.

FISCAL ANALYSIS

The proposed update to iReady is fiscally beneficial to districts. Allowing the material to be officially updated gives districts the opportunity to purchase the 2024 edition of iReady for the contract price of the 2020 edition of iReady. This will ultimately lead to cost savings for districts.

EFFECT OF A "YES" OR "NO" VOTE

A "YES" vote would allow ODE to substitute the 2020 edition of K-5 iReady Math to the mathematics instructional materials list for the remainder of the contract period (through January 2030).

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Curriculum Associates' iReady Math, OAR 581-011-0086

A "NO" vote would deny the publisher's request to substitute the 2020 edition of K-5 iReady Math to the mathematics instructional materials list

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: OR iReady Substitution Request



February 7, 2023

Oregon Department of Education
255 Capitol St. NE
Salem, OR 97310

RE: Request for Substitution of *i-Ready Classroom Mathematics, Oregon Edition—Grades K–1*

Dear Aujalee Moore:

With this letter, we request to substitute the new ©2024 copyright of the following ©2020 State-approved *i-Ready Classroom Mathematics, Oregon Edition* resources at grades K–1.

The ©2024 Differences were made to focus on enhancing the program based on Oregon priorities and the OR IMET. These updates are as follows:

- **Standards for Mathematical Practice (SMP):** SMP labels at point of use to make clear how and where the SMP are integrated into the lesson.
- **Enhanced CLR Support: Protocols for Engagement:** Added Protocols for Engagement on Connect to Culture page. The protocols validate the cultural behaviors that are part of students' identities and provide a way to embrace students' home cultures.
- **Connect to Culture:** Supports children in leveraging their backgrounds and experiences to connect with the thematic content of the lesson.
- **Support for Language Development:** A variety of supports are included to facilitate the development of academic language for all children.

As the 2022 Oregon Mathematics Adoption programs are intended for use beginning fall 2023, and have not yet been implemented in classrooms, there are no compatibility issues with the ©2024 editions.

Please contact me if you require any additional information in support of this request. I will send a revised bid with new ISBNs once we are approved unless you would like that information now. Please note, the materials will be supplied to Oregon schools at the contract price of the originally adopted edition.

Sincerely,

A handwritten signature in blue ink that reads "Emily McCann".

Emily McCann

VP, Educator Community, Policy and Proposals

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.A.

<p>SUBJECT: Division 22 Waiver Request: Eugene 4J School District STAFF NAME & OFFICE: Susan Payne, Office of Teaching, Learning and Assessment</p> <p>Eugene 4J School District is requesting a waiver of the Division 22 Standards Prevention Education in Drugs and Alcohol and Human Sexuality Education for the 2022-23 school year.</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 checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Division 22 Standards

The State Board of Education has established educational standards every district must implement. Those standards are set forth in OAR Chapter 581, Division 22 (“Division 22 standards”). Districts are required to report their compliance with Division 22 standards to the district school board and submit assurances of their compliance to the Department.

Districts may apply for a waiver of a Division 22 standard under OAR 581-002-3035:

- (1) Waiver of a specific standard: To address an immediate concern or need, a school district may petition the State Superintendent of Public Instruction for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the State Superintendent shall recommend the waiver to the State Board. Waivers under this provision may be granted for up to one year.

Request for Waiver

Eugene 4J School District is requesting a one-year waiver of the Division 22 Standards OAR 581-022-2045 Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education. This waiver is for the current 2022-23 school year.

The district first reported out of compliance for these rules in February 2020 (reporting on the 2018-19 school year). The district stated on its assurances that the corrective action for Prevention Education in Drugs and Alcohol would be complete by the beginning of the 2020-21 school year. For Human Sexuality Education the district stated: In November 2018, a bond measure was passed that provides funding for a full K-12 Health curriculum adoption. As part of

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.A.

this curricular adoption process, the district is currently developing a Comprehensive Human Sexuality Plan that will go before the board for consideration by the end of the 2020-21 school year.

Due to impacts from the COVID-19 pandemic, many districts, including Eugene 4J, requested an extension of the deadline to complete corrective action. Eugene's request (made in November of 2020) included a revised corrective action plan and timeline, stating that full implementation would be complete by the beginning of the 2021-22 school year. The extension was approved by ODE.

The next update that ODE received on the district's progress was submitted in November 2021 when the district submitted Division 22 assurances for the 2020-21 school year. The update indicated that the district was still in the process of implementing corrective action. This was consistent with reports from several other districts that had been out of compliance with one or both of these same rules. Due to the challenges districts were contending with because of the pandemic, ODE prolonged the previously granted extension to the start of the 2022-23 school year. In February 2022, ODE notified the district of this deadline, and informed the district that "If the district is not fully compliant with this rule by that time, the district will need to seek a waiver from the State Board of Education to avoid any impact on the disbursement of state school fund dollars."

In April 2022, ODE staff met with district leadership to discuss progress on the plan and to provide technical assistance as needed. The district shared that the plan would likely not be complete by September 2022, but within a month or two of the deadline. ODE confirmed in writing that if the district needed additional time to complete the corrective action beyond the first day of the 2022-23 school year, it would be necessary to request a waiver from the State Board of Education. ODE provided the district with the option to make the request proactively in June of 2022, or to wait until the September meeting, as there was a slight possibility that the district could meet the deadline. In July 2022, ODE sent a final reminder of the deadline and the need for a waiver if it was not met.

The next communication ODE received from the district was on the Division 22 assurances report in November 2022. The update indicated that the corrective action was not yet complete. ODE Assistant Superintendent Jennifer Patterson met with Eugene 4J Superintendent Andy Dey on December 7, 2022. As the district's newly hired superintendent, Dey had not been copied on previous communications nor was he in attendance at previous Division 22 outreach meetings with ODE.

ODE has worked with district leadership over the last several months to gain clarity on the district's current status and to provide technical assistance. Director Gill sent an official Notice of Failure to Comply with Division 22 Standards to the district on March 21, 2023 (attached). The letter states that "the Department is considering taking action and may begin to withhold

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.A.

5% of State School Fund moneys allocated to the District from a future distribution. [The district] may request a waiver of the standards for the 2022-2023 school year to avoid any impact on the disbursement of State School Fund moneys.”

SUMMARY OF PREVIOUS BOARD ACTION

The vast majority of waiver requests that have come before the Board in recent years have been for OAR 581-022-2320 Required Instructional Time. One recent exception is the waiver granted to Mt. Angel School District for the Media Programs rule in the 2021-22 school year. Impacts from the pandemic and the scope of the plan (reestablishing the high school library space and program) were key factors in the district’s inability to complete corrective action within the standard time frame.

Instructional Time Waivers (past five years)

2021-22 school year: The State Board granted a waiver of OAR 581-022-2320 Required Instructional Time to the Centennial School District for the 2021-22 school year, because of school closures due to inclement weather and staff absences from COVID-19.

2020-21 school year: The Centennial School District was previously granted a waiver of OAR 581-022-2320 Required Instructional Time by the Board for the 2020-21 school year. A cybersecurity incident, fires, and inclement weather/power outages were all factors that led to unanticipated school closures. The State Board also granted waivers of the Division 22 standard Required Instructional Time to the North Santiam, Oakridge, Paisley, Phoenix-Talent, and Pleasant Hill School Districts. These districts were primarily impacted by forest fire.

2017-18 school year: The State Board granted waivers of the Division 22 standard Required Instructional Time to Brookings Harbor School District, Central Curry School District, and Corbett School District. Brookings Harbor School District and Central Curry School District were impacted by the Chetco Bar fire; Corbett was impacted by the Eagle Creek Fire.

HAS THE ITEM CHANGED SINCE LAST BOARD MEETING?

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

When the Board heard the first reading of Eugene 4j’s waiver request at its April meeting, both Director Russell and Chair Martinez-Zapata requested that Director Gill make a recommendation to the Board. Director Gill recommends approval of the waiver request. While the district’s waiver comes late in the process and after much turnover and confusion, the district appears ready and able to complete the outstanding requirements before the end of June 2023. Even with the waiver, the district must come into compliance with these standards by the beginning of the 2023-24 school year. With a waiver

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.A.

in place, the district will be subject to withholding of state school fund moneys beginning in September 2023. A waiver allows the district to complete the school year and finalize implementation of their approved corrective action plan without disruption of State School Fund payments.

EFFECT OF A "YES" OR "NO" VOTE

If the Board approves the waiver, Eugene 4J School District will have a one-year waiver for the Division 22 Standards Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education. The district will continue to implement its approved corrective action plan to come into compliance with these standards by the beginning of the 2023-24 school year. With a waiver in place, the district will not be subject to withholding of state school fund moneys. ODE will continue to monitor the district's progress and provide technical assistance as needed throughout the rest of the 2022-23 school year and the summer of 2023.

If the Board does not approve the waiver, Eugene 4J School District will be subject to the provisions of [ORS 327.103](#) Standard school presumed, and the Department may begin to withhold 5% of State School Fund moneys allocated to the District from a future distribution.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: Letter requesting waiver from Andy Dey, Superintendent of Eugene 4J School District

Attachment 2: Eugene 4J Secondary Health Adoption Timeline

Attachment 3: Notice of Failure to Comply with Division 22 Standards (March 21, 2023)

Secondary (grades 6-12) Health Adoption

Objectives: To adopt a comprehensive 6 - 12 health curriculum for implementation during the 2023-2024 school year. These curricular materials will include lessons on the ODE key health categories and subtopics and will be aligned with the Oregon Health Education Standards and Performance Indicators.

As the likelihood of finding a single curriculum that effectively teaches all 9 ODE Health Topics (Affirming Identities & Anti-Oppression; Wellness & Health Promotion; Alcohol, Tobacco, & Other Drug Use Prevention; Social, Emotional, & Mental Health; Healthy Relationships & Violence Prevention; Growth & Development; Sexual Health Promotion; Safety & First Aid; and Nutrition & Physical Activity) and is aligned to Oregon Health Standards and Performance Indicators is unlikely, the team will look to supplement instructional material as needed per recommendation of ODE. [ODE Guidance on Supplemental](#)

Context: Currently, Eugene 4J secondary Health teachers have outdated Health curriculum which does not address all Oregon Health Standards, Performance Indicators, ODE key topics, or meet all OARs, ORS, SBs, and HBs that apply to health education. This has led to these teachers creating their own curricula, seeking online curricula, and borrowing from each other. This process does not provide a comprehensive health education program for Eugene 4J students districtwide.

29

During the 2021-2023 school year, an elementary (K-5) comprehensive Health curriculum was adopted and implemented in 2022-2023, leading Eugene 4J School District toward quality health education and health literacy. Now is the time to continue this momentum and provide quality, comprehensive health education for all Eugene 4J K-12 students.

DRAFT Vision: To meet the board goal of every student in every school having equitable access and opportunity to succeed by evaluating inequities that exist among schools around Health Education and providing a comprehensive Health Education that meets the needs of each student. When students are empowered with Health Literacy (the degree to which individuals have the ability to find, understand, and use information services to inform health-related decisions and actions for themselves and others *CDC 2020) through a high quality Health education, all dimensions of their health improves. Healthy students are better learners, and academic achievement bears a lifetime of benefits for health. *CDC

Adoption & PilotTeams: Two teams will be formed: one middle school adoption/pilot teams and one high school adoption/pilot team. Each team will be composed of secondary Health/PE teachers from all four regions of the Eugene 4J school district. In addition to classroom teachers, SPED, ELD, Equity Department Representative, Counselor, TOSAs, and building principal representatives will be asked to participate. Each anticipated team size is 5 - 10 representatives.

Building administrators will be encouraged to solicit interest from teaching staff so that representation on the team is balanced not only across the district, but also such that we have representation from historically underrepresented populations: BIPOC teachers, teachers who identify with the LGBTQ community, bilingual teachers, as well as educators who have a lens for Special Education (UDL) needs. Classroom teachers interested in the adoption process will also be part of the piloting team. Here is our team:

Lead Process Facilitator: Tom Horn

Lead TOSA: Secondary Health TOSA - Tina Fisher

MS Adoption Team:

Churchill Region Health Teacher - Katrina Burkhardt

North Region Health Teacher - Britten Kimbell

South Region Health Teacher - Alicia Chamness

Sheldon Region Health Teacher - Anna Wellman

Counselor - Stephanie Baxter

LA Teacher - Liz Nordling

Middle School Administrator - Sun Saeteurn

HS Adoption Team:

Churchill Region Health Teacher - Gabriel Lemay

North Region Health Teacher - Anzu McMullen

South Region Health Teacher - Jenn Garland-Warren

Global Health Teacher - Lisa Joye (South, Sheldon, Churchill)

Counselor - Mandy Brookshear

High School Admin - Missy Cole (Churchill)

Serving Both Teams:

Elementary Health TOSA - Jocelyn Mendelsshon

Assistive Technology (SSD) - Kelley Wilson

Technology - Nicholas Hadley

Prevention Services - Kerry Frazee

Lane ESD - Daniel Gallo

Eugene 4J ARs

Phase	Month	Description of Task	Notes
<p>Launch</p> <p><i>Superintendent will initiate the adoption process.</i></p>	<p>March 2023</p> <p>April 2023</p>	<p><i>(1a) The Superintendent will initiate the process; any teacher, group of teachers or administrator may recommend that this process be initiated. The Superintendent or designee will convene a team of teachers and admin. The team must include members with curricular expertise and contain sufficient representation of affected teachers and student populations.</i></p> <ul style="list-style-type: none"> ● Content TOSA will begin to pull a collection of resources for consideration for rubrics, professional learning resources, 4J and ODE criterias and guidance. ● Content TOSA will begin creating a budget for approval. <ul style="list-style-type: none"> ○ Budget Link ● Content TOSA will begin creating a list of curricula to examine. <ul style="list-style-type: none"> ○ Publishers will provide presentations upon request. <ul style="list-style-type: none"> ■ Provide a review sheet for each team member to take notes. ○ Middle School Approved by ODE <ul style="list-style-type: none"> ■ The Children’s Health Market - <i>The Great Body Shop</i> (6th grade in elementary curricula, 7 & 8 different) Barbara@TheGreatBodyShop.net ■ McGraw-Hill - <i>Teen Health</i> (6-8 text) Brian.Drulliner@mheducation.com ○ High School Approved by ODE <ul style="list-style-type: none"> ■ ETR - <i>HealthSmart High School</i> erinm@etr.org ■ Goodheart-Wilcox - <i>Comprehensive Health</i> wwarren@g-w.com tthompson@g-w.com ■ Human Kinetics - <i>Health for Life</i> aprils@hkusa.com ■ McGraw-Hill - <i>Glencoe Health</i> Brian.Drulliner@mheducation.com ■ SAVVAS - <i>SAVVAS Health</i> sheila.ellis@savvas.com 	<p>3/9/23 - Superintendent, Dr. Dey initiated the adoption process via email to Tom Horn.</p> <p>2/3/23 - Met with Suzanne Hidde (Health & PE Specialist with ODE) to discuss resources, requirements, and curricula. She will provide standards and legislative training for MS & HS separate or together.</p> <p>1/31/23 - Met with Ron Beick from finance to discuss Bond budget information. ³¹ Currently we have \$202,693 for Health curriculum and \$15,000 for payroll for adoption work. *Plan to meet with IC to determine if additional funds will be provided.</p> <p>1/31/2023 - Curricula samples have been ordered. All publishers offer online access as well as hard copies of textbooks. We will be viewing both.</p> <p>4/5 -The MS Health Adoption team met to evaluate both ODE approved MS health curricula. Presentations were given by both publishers with time for questions. Team members used the team created 4J Health Curriculum Evaluation Tool to evaluate both curricula using online access, textbooks, and the presentation. The LMS Manager attended the presentations to evaluate integration with Canvas. We also reviewed the Assistive Technology Review document.</p> <p>4/6 - The HS Adoption team met with the purpose of narrowing the 5 ODE approved HS health curricula to 2. Presentations were given by 4 of the 5 publishers. One publisher (McGraw-Hill) provided a pre-recorded presentation. Team members used the</p>

<p style="text-align: center;">Evaluate</p> <p><i>A team is formed that receives training and elicits input and establishes a vision aligned with curriculum.</i></p>		<ul style="list-style-type: none"> ○ A small core HS team will be formed to reduce the option of 5 curricula to 2. <ul style="list-style-type: none"> ■ Due to the small number of respondents to join the HS team, we have only 1 HS adoption team. ● Build background learning for the adoption team. <ul style="list-style-type: none"> ○ ODE will provide Standards Training via Suzanne Hidde (Health & PE Specialist) & Sasha Greiner (Sexuality Education Specialist) <ul style="list-style-type: none"> ■ Standards Overview Presentation from 3/22 presented to the entire Health Adoption Team. ○ Create a presentation for Resource Training (OR-IMET, HECAT, NYU CR). 1st Adoption Team Meeting (All teams) ○ Knowledge building presentation created using SHAPE guidance documents. 1st Adoption Team Meeting (All teams) ○ Meet with Equity Managers to discuss equity in Health Education. <ul style="list-style-type: none"> ■ Several requests were made to the Equity Department, but no responses were received. 	<p>Curriculum Narrowing Rubric (which was created from the team's Vision Work) to examine all 5 curricula using online access, textbooks, and the presentations. The LMS Manager attended the presentations to evaluate integration with Canvas. We also reviewed the Assistive Technology Review document. (We are awaiting the Human Kinetics review as there was miscommunication about the login information.) Rubrics were collected and scores for each curriculum was averaged. The team debriefed the results and agreed on the outcome of the final 2 for further evaluation with the 4J Health Curriculum Evaluation Tool : LiveWell by Human Kinetics and HealthSmart by ETR.</p> <p>3/22/2023 - All team members met for background knowledge building from SHAPE documents. A presentation was given by ODE on Oregon Health and National Sexual Education standards and statutory and administrative rules. The team looked through the HECAT, NYU Culturally Responsive Scorecard, OR-IMET, and SHAPE documents to create an evaluation tool</p>
	<p>March 2023</p>	<p><i>(1a) Content TOSA will convene a team of teachers and administrators. The team must include members with curricula expertise and contain sufficient representation of affected teachers and student populations.</i></p> <ul style="list-style-type: none"> ● Meet with the HS Director to discuss the future of HS Health programs. ● Email health teachers/admin to solicit team members. ● Create a team roster to determine what stakeholders are represented. <ul style="list-style-type: none"> ○ The secondary health teacher pool is small and our team reflects that. Our MS team consists of 4 MS Health Teachers, a MS counselor, a MS language arts teacher, and a MS Principal. Our HS team consists of 3 HS Health teachers, 1 Global Health teacher, 1 COSA, and a HS Principal. We also have 2 Health TOSAs, an LMS Manager, an Assistive Tech Specialist, a SSD/Instruction Administrator, a Prevention Services Administrator, and a Lane ESD representative serving both teams. 	<p>3/9 - Sent soliciting email to all secondary health teachers, MS & HS Principals, Counselor representatives, Equity representatives, SPED representatives, school nurse representatives, technology representatives, and PE representatives. Additional emails were sent individually to seek more diversity.</p> <p>3/14 - Team is solidified and an email was sent out to all team members and their administrators to communicate dates and times for upcoming meetings.</p>

		<ul style="list-style-type: none"> ○ While our team make-up has a high percentage of white, cisgender female, and straight participants (which emulates the dynamics of the districts' Secondary Health teachers), we have representation for Asian, mixed race, Native American, male, and LGBTQ+. ● Solidify the adoption team and communicate dates and times for meetings/PD. <ul style="list-style-type: none"> ○ Adoption Calendar Draft ○ Adoption Timeline At A Glance 	<p>3/22/2023 - Team members took an Equity Lens Survey to determine the make-up of our team.</p>
<p>March 2023</p> <p>April 2023</p>		<p><i>(1b) The team will establish selection criteria and use the selection criteria to examine materials.</i></p> <ul style="list-style-type: none"> ● Team begins working toward a shared vision. <ul style="list-style-type: none"> ○ Vision Work <ul style="list-style-type: none"> ■ Curriculum Narrowing Rubric ○ Health Literacy Definition ● Professional Learning Resources: <ul style="list-style-type: none"> ○ ODE Health Standards ○ National Sex Ed Standards ○ ODE HPE Reminder ○ 4J Equity Decision Making Tool ● In developing/selecting a high quality evaluation tool, the team will reference the following: <ul style="list-style-type: none"> ○ K-12 OR-IMET Health Ed ○ HECAT-2021 ○ NYU Culturally Responsive Curriculum Scorecard ○ SHAPE Appropriate Practices in School-Based Health Ed ○ 4J Technology Compatibility ○ UDL Components <ul style="list-style-type: none"> ■ Assistive Tech ○ 4J Confidence Rating 	<p>3/22 - Both MS and HS teams met together to create our shared vision, curriculum evaluation tool, and health literacy definition. We used our Vision work to create a Curriculum Narrowing Rubric for the HS team work of narrowing 5 ODE approved curricula to 2 curricula. We used the 4J Equity Decision Making Tool to guide our work through evaluating our professional learning resources in order to create our own evaluation tool. 33</p> <p>2/1/2023 - Met with Justin Huntly (Tech Admin) regarding compatibility. He suggested looking for digital that integrates with Canvas. If it is web-based, there will be no forms to sign. If the company needs to talk to our system, then we need to complete forms regarding privacy. Device compatibility should not be an issue. Invite Justin or Nicholas Hadley to any meeting with publishers to help with compatibility questions.</p>
<p>April 2023</p>		<p><i>(1c) The team will inform and receive input from affected parents, teachers, and administrators.</i></p> <ul style="list-style-type: none"> ● The team has been designed to include a wide range of voices, opinions, and backgrounds. Team members can also support as conduits from building or department desires or needs for curriculum. ● Use Pilot Journals for teacher input. ● Create a community presentation to present via a webinar and provide a survey for parent/community feedback. 	

	April 2023	<p><i>(1d) The team will report progress to the instructional team and receive feedback.</i></p> <ul style="list-style-type: none"> Once the process is completed, set up a date to present to the ILT team and receive feedback. 	
<p>Pilot</p> <p><i>Materials are piloted and examined using established criteria and data collected.</i></p>	April 2023 May 2023	<p><i>(2a) The team will review available curricula and develop a list of materials to consider. Selected materials will be evaluated using the evaluation rubric including the district's equity tool.</i></p> <ul style="list-style-type: none"> Health is non-core. We are not required to pilot, but will pilot 2 lessons per curriculum. 	
		<p><i>(b) Pilot teachers will receive professional development prior to piloting. The pilot team will evaluate units from the recommended curricula. All members of the pilot team will pilot more than one curriculum. The adoption team may observe pilot classrooms.</i></p> <ul style="list-style-type: none"> Curriculum Publisher presentations held in preparation for the pilot. The team, along with recommendations from publishers, will determine which lessons to pilot. Pilot teachers evaluate curricula, using standardized rubrics. Teachers each teach two lessons per the two curricula and are provided extended contract for the additional time accrued by piloting. The team will create a confidence scoring rubric to measure piloted lessons. Curriculum Administrator, TOSA team, and adoption team members will be provided time to observe pilot material in action. 	34
		<p><i>(c) The adoption team will collect data from the pilot team and will inform and receive input from parents, teachers and administrators.</i></p> <ul style="list-style-type: none"> Piloting teachers will keep rolling journals with notes and evidence of criteria. At the end of each pilot, and again after both, pilot teachers give a confidence rating based on the two curricula. Lead adoption team collaborates with the Special Ed department to look at materials in regards to access for all. A family survey will be issued to students experiencing piloted lessons. 	
Report	June 2023	<p><i>(3a) The team will make a recommendation to the instructional leadership team recommending the selection of materials for districtwide</i></p>	

<p><i>Data is evaluated, materials are ranked and a report is submitted.</i></p>		<p>use.</p> <ul style="list-style-type: none"> • The team will utilize a consensus protocol to determine the final recommendation for adoption. • The team will create a presentation to present recommendations to ILT. 	
		<p>(3b) Depending on the scope and impact of the decision, the instructional advisory council may review the findings, ensure the adoption process and provide feedback to the instructional leadership team.</p> <p>(3c) The instructional leadership team will make a recommendation to the superintendent.</p> <ul style="list-style-type: none"> • The goal is to have a decision by the end of May in order to purchase materials in a time frame that allows for timely shipping and distribution, as well as quality PD for Health teachers. 	35
<p>Adopt</p> <p><i>The superintendent makes an adoption decision.</i></p>	June 2023	<p>School board will receive a presentation on materials and provide input as well as update 581-022-2045 Prevention Ed in Drugs & Alcohol and 581-022-2050 Human Sexuality Education district-wide plans.</p> <p>The superintendent's decision is final, and once made such materials shall be considered adopted for districtwide use.</p>	
<p>Implement</p> <p><i>Schools implement the materials with PD and evaluation opportunities.</i></p>	June 2023 - August 2023	<p>(4a) The team will develop an implementation plan including PD for affected teachers and evaluation of materials.</p> <ul style="list-style-type: none"> • Delivery schedule • PD for new curriculum • Scope & Sequence • Feedback 	
	September 2023	(4b) Affected teachers will begin using the adopted curriculum according to the implementation plan.	
	TBD	(4c) The instructional leadership team will assess strengths and areas	

		for improvement, including equity impacts, to inform any needed supplementation to the current adoption as well as future adoption cycles and report to the superintendent.	
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Eugene School District 4J
200 North Monroe Street
Eugene, OR 97402-4295
541-790-7700, www.4j.lane.edu

April 6, 2023

Deputy Superintendent of Public Instruction Colt Gill
Oregon Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Dear Director Gill,

As the superintendent of Eugene School District 4J, I am officially requesting that the Oregon State Board of Education temporarily waive the Prevention Education in Drugs and Alcohol (OAR 581-022-2045) and Human Sexuality Education (OAR 581-022-2050). This request is specific to the current 2022-23 academic year.

Beginning in the 2018-19 school year, the Eugene School District 4J fell out of compliance with the identified standards and began a planning process towards compliance. Momentum towards compliance was impeded by the COVID-19 pandemic.

In February of 2020, the district reported to the Oregon Department of Education (ODE) the lack of compliance with the two standards along with a proposed plan of corrective action. At that time the district requested and received a one-year waiver of the standard while progress was made towards compliance.

Due to the ongoing impacts of the COVID-19 pandemic in November 2021, the district reported to ODE "implementing corrective action" for the two out of compliance standards as it continued to work towards complying with the important health standards. Understanding the unique and compounded challenges, the ODE granted an additional extension of the waiver to the 2022-23 school year.

I assumed the role of Superintendent for Eugene School District 4J in July 2022. I was not a part of previous conversations with ODE regarding this matter, and I was made aware of our non-compliance status by ODE staff in December of 2022. Knowing that the district was nearing completion on the required curriculum adoption, I believed our November 2022 assurances report was sufficient in articulating our progress toward implementing the corrective actions. Immediately upon realization that was not the case, I have worked with district leaders and ODE staff to ensure that the previous compliance plan is underway. I can assure the State Board of Education and ODE that the required standards will be met at the end of this academic year and our corrective actions will be complete and in place for the fall 2023 onset of the school year.

Upon my understanding of the district's inability to apply to the ODE for further extensions, my team and I have been in close communication with, and grateful for the guidance and support of the staff at ODE. The district is clear on the expectations of compliance with these important curriculum standards and does not approach this appeal to the State Board of Education for this final accommodation lightly.

It is the intention of the Eugene School District 4J to ensure curriculum is in place to meet the both OAR 581-022-2045 and OAR 581-022-2050 by the start of the 2023-24 academic year.

Thank you for your consideration,

J. Andy Dey, Ed.D, Superintendent
Eugene School District 4J



Oregon

Tina Kotek, Governor



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves . . . together!

Colt Gill

Director of the Department of Education

March 21, 2023

Andy Dey, Superintendent

Eugene School District 4J

200 North Monroe St.

Eugene, OR 97402

RE: Notice of failure to complete proposed actions to come back into compliance with Division 22 standards OAR 581-022-2045 Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education

Superintendent Dey:

In February 2020, Eugene School District 4J (the District) submitted to the Oregon Department of Education (ODE) Division 22 Assurances for the 2018-2019 school year. The District self-reported out of compliance with the Division 22 standards OAR 581-022-2045 Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education.

The attached table, titled “Eugene 4J and ODE Communications History Re: Division 22 Compliance with OAR 581-022-2045 Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education,” details the communication between the District and ODE following the District’s 2018-19 assurances.

Division 22 Assurances for the 2018-19 school year

In February 2020, the District reported out of compliance with the two standards. The District proposed corrective action to be completed in the 2020-21 school year. ODE approved the proposed corrective action but informed the District that the corrective action must be completed by the beginning of the 2020-21 school year. In the fall of 2020, the District requested and was granted an extension of one year to complete the proposed corrective action for the two standards.

Division 22 Assurances for the 2019-20 school year

Districts were not required to report on the two standards for the 2019-20 school year because of impacts due to COVID.

Division 22 Assurances for the 2020-21 school year

In November 2021, the District reported “implementing corrective action” for the two standards on the Division 22 Assurances for the 2020-21 school year. In February 2022, ODE informed the District by email that the corrective action for these two standards should have been completed by the start of the 2021-22 school year but agreed to extend the time for compliance to the start of the 2022-23 school year. ODE stated: “We understand the challenges that you are contending with due to the pandemic and have therefore prolonged the previously granted extension to the start of the 2022-23 school year. If the district is not fully compliant with this rule by that time, the district will need to seek a waiver from the State Board of Education to avoid any impact on the disbursement of state school fund dollars.”

On December 7, 2022, ODE met with you to discuss the District’s status on multiple standards, including the two at issue here. ODE informed you that the corrective action deadline was the start of the 2022-23 school year and that if the District was not back in compliance the District would have to request a waiver from the State Board of Education. At that meeting, the superintendent said that the report of continued non-compliance may have been in error and that he would confirm the District's actual status.

On March 3, 2023, the District provided an updated Division 22 status plan. Based on that plan, ODE has determined that the District has not completed corrective action and remains out of compliance on the two standards.

On March 14, 2023, ODE met with the District to preview next steps and the process by which the District may request a waiver to the State Board of Education.

The deadline to complete the proposed actions to come back into compliance with OAR 581-022-2045 Prevention Education in Drugs and Alcohol and OAR 581-022-2050 Human Sexuality Education has now passed. The District has failed to complete the proposed actions to come back into compliance within the time specified by the Deputy Superintendent, Colt Gill.

Under ORS 327.103(2), if any deficiencies are not corrected before the beginning of the school year next following the date of the finding of deficiency or the date of extension granted by the Deputy Superintendent, the Department may withhold portions of State School Fund moneys otherwise allocated to the school district for operating expenses until such deficiencies are corrected. The purpose of this letter is to inform you that the Department is considering

taking action and may begin to withhold 5% of State School Fund moneys allocated to the District from a future distribution.

You may request a waiver of the standards for the 2022-2023 school year to avoid any impact on the disbursement of State School Fund moneys. OAR 581-002-0035(1) provides:

(1) Waiver of a specific standard: To address an immediate concern or need, a school district may petition the Director for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the Director shall recommend the waiver to the State Board. Waivers under this provision may be granted for up to one year.

You must submit your waiver request to ODE by April 10 so that it may be presented to the State Board of Education during the Board's April 20 meeting. ODE staff are available to support the District through this process. Please contact Susan Payne, Education Standards & Systems Specialist in the Office of Teaching Learning and Assessment at Susan.Payne@ode.oregon.gov or (503) 580-6814.

Sincerely,



Colt Gill, Director of Oregon Department of Education and,
Deputy Superintendent of Public Instruction

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.B.

<p>SUBJECT: Sauvie Island School Charter School Waiver Request</p> <p>STAFF NAME & OFFICE: Kate Pattison & Emily Nazarov, Government and Legal Affairs, Director’s Office; Darla Meeuwsen, Sauvie Island School</p> <p>Sauvie Island School (SIS) is requesting a waiver of ORS 338.125(3) to allow the school to continue the priority admission of children of SIS staff members.</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 checked="" type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p>
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BACKGROUND

Public Charter School Waivers

The State Board of Education has been granted the authority to waive certain provisions of the Public Charter School Statutes in [ORS Chapter 338](#). The standards and process for requesting a waiver of ORS 338 have been set forth in [OAR 581-026-0130](#) and the 2020 Process to Request a Charter School Waiver.

ORS 338.025 Rules; waiver of provisions of chapter; exceptions.

(1) The State Board of Education may adopt any rules necessary for the implementation of this chapter. The rules shall follow the intent of this chapter.

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

OAR 581-026-0130: Procedure to Waive Certain Provisions of the Charter School Law

(1) A public charter school may petition the State Board of Education for a waiver of any provision of ORS 388. The written petition must specify the reason(s) the charter school is seeking the waiver and any other relevant information.

(2) The public charter school must notify the sponsor if a waiver under this section is being considered. Waivers granted by the State Board to a charter school may require amending the charter under the provisions of OAR 581-026-0100 (7).

(3) The State Board of Education, upon receipt of a waiver petition, will review the petition and may grant the waiver upon a showing that approving the waiver would:

- (a) Promote the development of programs by providers;
- (b) Enhance the equitable access by underserved families to the public education of their choice;
- (c) Extend the equitable access to public support by all students; or
- (d) Permit the development of high quality programs of unusual cost.

(4) The State Board of Education may not waive any review provision under the Act or any provision under ORS 338.115(1).

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.B.

ODE Staff Analysis of Waiver Request

The charter school is requesting to waive ORS 338.125(3), which includes the requirement that students who apply to the charter school must be selected through a lottery if the number of applicants exceed the charter school's capacity. This statute allows a public charter school to give priority enrollment to students who reside in the attendance boundary of a converted school public school, students who were enrolled in the prior year, siblings of current students, students who are at risk because of economic or academic disadvantage, or if the charter school is part of a cooperative agreement.

If granted, the charter school will be allowed to continue offering priority enrollment for students of staff members. Currently, SIS is offering priority in the following order:

1. Students who were enrolled in the school in the prior school year.*
2. Siblings of current students who are in 7th grade and younger during the application window.*
3. Sauvie Island residents.*
4. Children of SIS staff (allowable via state waiver)
5. Residents in the Scappoose SD*
6. Residents outside the Scappoose SD*

*Admission priorities allowable via ORS 338.125

According to the school, all staff members with children enrolled in the school have become employed after their children were enrolled through the lottery process. Further, Sauvie Island residents are prioritized above the children of staff members in the school's standard lottery process that will continue even if the waiver is approved. As described in the waiver request, this practice "ensures that all children of migrant families on Sauvie Island have high admission priority as island residents. In addition, no underserved populations from Sauvie Island have been denied admission or placed on the waitlist due to the placement of a staff member's child. Rather, it is a helpful retention tool and supports long-term investment in the school."

The school must still comply with all other subsections of ORS 338.125.

338.125 Student enrollment; nonresident students; appeals; written notices. (1) Student enrollment in a public charter school is voluntary.

(2)(a) All students who reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available.

(b) Students who do not reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available and subject to subsection (4) of this section.

(c) A public charter school may not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability. A public charter school may implement a weighted lottery that favors historically underserved students as provided by subsection (3)(a) of this section.

(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applications from students exceeds the capacity of a program, class, grade level or building, the public charter school

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.B.

shall select students through an equitable lottery selection process. For the purpose of ameliorating the impact of discrimination against historically underserved students, an equitable lottery selection process may include weights that favor historically underserved students. As used in this paragraph, “historically underserved students” are students who are at risk because of any combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level, proficiency in the English language, socioeconomic status or geographic location.

(b)(A) A public charter school may give priority for admission to students who reside within the attendance boundaries that were in effect at the time a school district closed a nonchartered public school if:

(i) The public charter school began to operate not more than two years after the nonchartered public school was closed;

(ii) The school district that closed the nonchartered public school is the sponsor of the public charter school;

(iii) The public charter school is physically located within the attendance boundaries of the closed nonchartered public school; and

(iv) The school district board, through board action, approved the public charter school giving priority as described in this paragraph.

(B) Nothing in this paragraph requires an amendment to a charter. A school district board may take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of a charter.

(c) After a public charter school has been in operation for one or more years, the public charter school may give priority for admission to students who:

(A) Were enrolled in the prior year in the public charter school;

(B) Were enrolled in a public preschool or prekindergarten program operated by the public charter school;

(C) Have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year;

(D) Are at risk because the student has an economic or academic disadvantage that requires special services or assistance, including students who:

(i) Are from economically disadvantaged families;

(ii) Are identified as having special educational needs;

(iii) Are limited in proficiency in the English language;

(iv) Are at risk of dropping out of high school; or

(v) Do not meet minimum standards of academic proficiency; or

(E) If the public charter school is a party to a cooperative agreement described in ORS 338.080, reside in the school district that is the sponsor of the public charter school or in a school district that is a party to the cooperative agreement.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board of Education has previously approved two waivers for Sauvie Island School:

1. 2012 – Priority Enrollment for children within a geographic boundary and children of staff
2. 2017 – Priority Enrollment for children who live on the island and children of staff
3. This waiver was presented to the Board on April 20, 2023 as a first read.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.B.

POLICY ISSUES OR CONCERNS

The State Board typically grants waivers for the duration of the charter school contract. Sauvie Island School's current contract expires on June 30, 2027.

EQUITY IMPACT ANALYSIS

See the application narrative and attachments provided by the requestor.

FISCAL ANALYSIS

There is no fiscal impact on the Department or the State Board of Education.

EFFECT OF A "YES" OR "NO" VOTE

Yes = If the Board grants the waiver as requested, Sauvie Island School will be allowed to continue offering priority enrollment to children of staff through the remainder of their current contract.

No = Sauvie Island School will not be allowed to offer priority enrollment to children of staff and will be required to comply with ORS 338.125.

ATTACHMENTS

Attachment 1: Sauvie Island School Public Charter School Waiver Request

Attachment 2: Sauvie Island School Demographics

Attachment 3: Sauvie Island School District Letter

Attachment 4: 2021-22 Sauvie Island School At-A-Glance

Attachment 5: 2021-22 Sauvie Island School Accountability Details

2021-22 ESSA Accountability Details Report

Public Version - October 20, 2022

District: Scappoose SD 1J

School: Sauvie Island School

The Accountability Details Report displays the data for indicators used by the accountability system to identify schools for comprehensive or targeted supports as required by Oregon's State Plan under the Every Student Succeeds Act (ESSA). The accountability system uses six indicators for elementary and middle schools. For more information about the included indicators and their definitions and calculations, please refer to the [Accountability Details Policy and Technical Manual](#). For more information on the transition of school identification from year-to-year please see the [School Improvement webpage](#).

Indicator Ratings Table

Student Group	ESSA Supports	ELA Achievement	ELA Change	Math Achievement	Math Change	Regular Attenders	On Track to ELP
All Students	Not Identified	Level 4	Level 2	Level 3	Level 3	Level 3	Not Rated
Economically Disadvantaged	Not Identified	Level 3	Level 5	Level 3	Level 5	Level 2	
English Learners	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated
Students with Disabilities	Not Identified	Level 2	Level 2	Level 2	Level 3	Level 4	
Underserved Race/Ethnicity	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	
American Indian/ Alaska Native	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Native Hawaiian/ Pacific Islander	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Black/African American	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Hispanic/Latino	Not Identified	Level 3	Not Rated	Level 2	Not Rated	Level 2	
Asian	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
White	Not Identified	Level 4	Level 2	Level 3	Level 3	Level 3	
Multi-racial	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	

Suggested Level of Support for 2021-2022: **Not Identified** 2018-2019: **Not Identified** 2017-2018: **Not Identified**

Met ELA and Math Participation target (95%) for all student groups: **Yes** (details on pages 4 and 7)

Received Title I Funds in 2018-19: **No**

Please note the following:

- Indicator ratings that display 'Not Rated' refer to student groups that do not meet the minimum n-size to receive a rating.
- The expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.
- The English learner student group has different inclusion rules for particular indicators.
- The Underserved Race/Ethnicity student group consists of the following racial/ethnic groups: American Indian/Alaska Native, Black/African American, Hispanic/Latino, and Native Hawaiian/Pacific Islander.
- The Underserved Race/Ethnicity group is eligible to be identified for targeted improvement only when none of the four student groups that comprise it have sufficient data to be considered for identification.

English Language Arts Academic Achievement Details

District: Scappoose SD 1J

School: Sauvie Island School

English Language Arts Achievement Level	Cut
Level 5	80
Level 4	67
Level 3	54
Level 2	25
Level 1	<25

The English Language Arts (ELA) Achievement indicator displays the percentage of students meeting the ELA achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). ‘*’ means data was hidden to protect student confidentiality and ‘Not Rated’ refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent		77.0	61.9	69.4	Average Rate	Level 4
All Students - Adjusted Denominator		139	139	278		
Economically Disadvantaged - Percent		41.7	61.9	58.9	Average Rate	Level 3
Economically Disadvantaged - Adjusted Denominator		24	139	163		
English Learners - Percent		*	*	*	Not Rated	Not Rated
English Learners - Adjusted Denominator		*	*	*		
Students with Disabilities - Percent		47.6	31.8	39.5	Average Rate	Level 2
Students with Disabilities - Adjusted Denominator		21	22	43		
American Indian/Alaska Native - Percent		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Adjusted Denominator		*	*	*		
Black/African American - Percent		*	*	*	Not Rated	Not Rated
Black/African American - Adjusted Denominator		*	*	*		
Hispanic/Latino - Percent		58.3	61.5	60.0	Average Rate	Level 3
Hispanic/Latino - Adjusted Denominator		12	13	25		
Native Hawaiian/Pacific Islander - Percent		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator		*	*	*		
Underserved Race/Ethnicity - Percent		61.5	61.5	61.5	Average Rate	Not Applicable
Underserved Race/Ethnicity - Adjusted Denominator		13	13	26		
Asian - Percent		*	*	*	Not Rated	Not Rated
Asian - Adjusted Denominator		*	*	*		
White - Percent		77.7	59.8	68.8	Average Rate	Level 4
White - Adjusted Denominator		112	112	224		
Multi-racial - Percent		80.0	*	78.9	Not Rated	Not Rated
Multi-racial - Adjusted Denominator		10	*	*		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

English Language Arts Average Gap Score Change Details

District: Scappoose SD 1J

School: Sauvie Island School

The English Language Arts (ELA) Average Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

ELA Average Gap Score Change	Cut
Level 5	5
Level 4	-7
Level 3	-19
Level 2	-42
Level 1	<-42

Student Group	2018-19	2021-22	Change in Average	Level
All Students	50	28	-22	Level 2
All Students - Denominator	139	139		
Economically Disadvantaged	2	28	26	Level 5
Economically Disadvantaged - Denominator	24	139		
English Learners	*	*	*	Not Rated
English Learners - Denominator	*	*		
Students with Disabilities	-4	-25	-21	Level 2
Students with Disabilities - Denominator	21	22		
American Indian/Alaska Native	*	*	*	Not Rated
American Indian/Alaska Native - Denominator	*	*		
Black/African American	*	*	*	Not Rated
Black/African American - Denominator	*	*		
Hispanic/Latino	9	14	5	Not Rated
Hispanic/Latino - Denominator	12	13		
Native Hawaiian/Pacific Islander	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*		
Underserved Race/Ethnicity	14	14	0	Not Applicable
Underserved Race/Ethnicity - Denominator	13	13		
Asian	*	*	*	Not Rated
Asian - Denominator	*	*		
White	53	28	-25	Level 2
White - Denominator	112	112		
Multi-racial	64	*	*	Not Rated
Multi-racial - Denominator	10	*		

English Language Arts Participation Details

District: Scappoose SD 1J

School: Sauvie Island School

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. The applied rate for the participation status is the two-year average after meeting the minimum n-size of 20. 'Not Rated' means the student group did not meet minimum size requirements in order to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Participation Target: 94.5%

Student Group		2018-19	2021-22	2-year Average	Status based on	Status
All Students - Percent		100.0	99.3	99.6	Average Rate	Met
All Students - Denominator		140	142	282		
Economically Disadvantaged - Percent		100.0	99.3	99.4	Average Rate	Met
Economically Disadvantaged - Denominator		25	142	167		
English Learners - Percent		100.0	100.0	100.0	Not Rated	Not Rated
English Learners - Denominator		4	4	8		
Students with Disabilities - Percent		100.0	95.7	97.7	Average Rate	Met
Students with Disabilities - Denominator		21	23	44		
American Indian/Alaska Native - Percent		--	--	--	Not Rated	Not Rated
American Indian/Alaska Native - Denominator		0	0	0		
Black/African American - Percent		100.0	--	100.0	Not Rated	Not Rated
Black/African American - Denominator		1	0	1		
Hispanic/Latino - Percent		100.0	100.0	100.0	Average Rate	Met
Hispanic/Latino - Denominator		12	13	25		
Native Hawaiian/Pacific Islander - Percent		--	--	--	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator		0	0	0		
Underserved Race/Ethnicity - Percent		100.0	100.0	100.0	Average Rate	Met
Underserved Race/Ethnicity - Denominator		13	13	26		
Asian - Percent		100.0	100.0	100.0	Not Rated	Not Rated
Asian - Denominator		4	5	9		
White - Percent		100.0	99.1	99.6	Average Rate	Met
White - Denominator		113	115	228		
Multi-racial - Percent		100.0	100.0	100.0	Not Rated	Not Rated
Multi-racial - Denominator		10	9	19		

Mathematics Academic Achievement Details

District: Scappoose SD 1J

School: Sauvie Island School

Mathematics Achievement Level	Cut
Level 5	80
Level 4	62
Level 3	43
Level 2	13
Level 1	<13

The Mathematics Achievement indicator displays the percentage of students meeting the Mathematics achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). ‘*’ means data was hidden to protect student confidentiality and ‘Not Rated’ refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent		62.0	54.3	58.2	Average Rate	Level 3
All Students - Adjusted Denominator		137	138	275		
Economically Disadvantaged - Percent		37.5	54.3	51.9	Average Rate	Level 3
Economically Disadvantaged - Adjusted Denominator		24	138	162		
English Learners - Percent		*	*	*	Not Rated	Not Rated
English Learners - Adjusted Denominator		*	*	*		
Students with Disabilities - Percent		33.3	27.3	30.2	Average Rate	Level 2
Students with Disabilities - Adjusted Denominator		21	22	43		
American Indian/Alaska Native - Percent		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Adjusted Denominator		*	*	*		
Black/African American - Percent		*	*	*	Not Rated	Not Rated
Black/African American - Adjusted Denominator		*	*	*		
Hispanic/Latino - Percent		33.3	23.1	28.0	Average Rate	Level 2
Hispanic/Latino - Adjusted Denominator		12	13	25		
Native Hawaiian/Pacific Islander - Percent		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator		*	*	*		
Underserved Race/Ethnicity - Percent		38.5	23.1	30.8	Average Rate	Not Applicable
Underserved Race/Ethnicity - Adjusted Denominator		13	13	26		
Asian - Percent		*	*	*	Not Rated	Not Rated
Asian - Adjusted Denominator		*	*	*		
White - Percent		63.6	54.1	58.8	Average Rate	Level 3
White - Adjusted Denominator		110	111	221		
Multi-racial - Percent		60.0	*	68.4	Not Rated	Not Rated
Multi-racial - Adjusted Denominator		10	*	*		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

Mathematics Average Gap Score Change Details

District: Scappoose SD 1J

School: Sauvie Island School

The Mathematics Average Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group 2021-22.

Math Average Gap Score Change	Cut
Level 5	4
Level 4	-11
Level 3	-24
Level 2	-49
Level 1	<-49

Student Group	2018-19	2021-22	Change in Average	Level
All Students	24	5	-19	Level 3
All Students - Denominator	137	138		
Economically Disadvantaged	-28	5	33	Level 5
Economically Disadvantaged - Denominator	24	138		
English Learners	*	*	*	Not Rated
English Learners - Denominator	*	*		
Students with Disabilities	-22	-39	-17	Level 3
Students with Disabilities - Denominator	21	22		
American Indian/Alaska Native	*	*	*	Not Rated
American Indian/Alaska Native - Denominator	*	*		
Black/African American	*	*	*	Not Rated
Black/African American - Denominator	*	*		
Hispanic/Latino	-15	-28	-13	Not Rated
Hispanic/Latino - Denominator	12	13		
Native Hawaiian/Pacific Islander	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*		
Underserved Race/Ethnicity	-11	-28	-17	Not Applicable
Underserved Race/Ethnicity - Denominator	13	13		
Asian	*	*	*	Not Rated
Asian - Denominator	*	*		
White	23	2	-21	Level 3
White - Denominator	110	111		
Multi-racial	66	*	*	Not Rated
Multi-racial - Denominator	10	*		

Mathematics Participation Details

District: Scappoose SD 1J

School: Sauvie Island School

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. The applied rate for the participation the two-year average after meeting the minimum n-size of 20. 'Not Rated' means the student group did not meet minimum size requirements in order to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Participation Target: 94.5%

Student Group	2018-19	2021-22	2-year Average	Status based on	Status
All Students - Percent	98.6	98.6	98.6	Average Rate	Met
All Students - Denominator	140	142	282		
Economically Disadvantaged - Percent	100.0	98.6	98.8	Average Rate	Met
Economically Disadvantaged - Denominator	25	142	167		
English Learners - Percent	100.0	100.0	100.0	Not Rated	Not Rated
English Learners - Denominator	4	4	8		
Students with Disabilities - Percent	100.0	95.7	97.7	Average Rate	Met
Students with Disabilities - Denominator	21	23	44		
American Indian/Alaska Native - Percent	--	--	--	Not Rated	Not Rated
American Indian/Alaska Native - Denominator	0	0	0		
Black/African American - Percent	100.0	--	100.0	Not Rated	Not Rated
Black/African American - Denominator	1	0	1		
Hispanic/Latino - Percent	100.0	100.0	100.0	Average Rate	Met
Hispanic/Latino - Denominator	12	13	25		
Native Hawaiian/Pacific Islander - Percent	--	--	--	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator	0	0	0		
Underserved Race/Ethnicity - Percent	100.0	100.0	100.0	Average Rate	Met
Underserved Race/Ethnicity - Denominator	13	13	26		
Asian - Percent	100.0	100.0	100.0	Not Rated	Not Rated
Asian - Denominator	4	5	9		
White - Percent	98.2	98.3	98.2	Average Rate	Met
White - Denominator	113	115	228		
Multi-racial - Percent	100.0	100.0	100.0	Not Rated	Not Rated
Multi-racial - Denominator	10	9	19		

Regular Attenders Details

District: Scappoose SD 1J

School: Sauvie Island School

The Regular Attenders indicator displays the percentage of students attending for more than 90 percent of their enrolled school days, the denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). ‘*’ means data was hidden to protect student confidentiality and ‘Not Rated’ refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Regular Attenders Level	Cut
Level 5	93
Level 4	89
Level 3	85
Level 2	65
Level 1	<65

State Long Term Goal: 93%

Student Group	Grade Range		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent	K-5		93.5	82.4	87.9	Average Rate	Level 3
All Students - Denominator			139	142	281		
Economically Disadvantaged - Percent	K-5		88.2	82.4	83.0	Average Rate	Level 2
Economically Disadvantaged - Denominator			17	142	159		
English Learners - Percent	K-5		*	*	*	Not Rated	Not Rated
English Learners - Denominator			*	*	*		
Students with Disabilities - Percent	K-5		83.3	>95	92.3	Average Rate	Level 4
Students with Disabilities - Denominator			18	*	*		
American Indian/Alaska Native - Percent	K-5		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Denominator			*	*	*		
Black/African American - Percent	K-5		*	*	*	Not Rated	Not Rated
Black/African American - Denominator			*	*	*		
Hispanic/Latino - Percent	K-5		>95	72.2	83.3	Average Rate	Level 2
Hispanic/Latino - Denominator			*	18	*		
Native Hawaiian/Pacific Islander - Percent	K-5		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator			*	*	*		
Underserved Race/Ethnicity - Percent	K-5		>95	72.2	83.9	Average Rate	Not Applicable
Underserved Race/Ethnicity - Denominator			*	18	*		
Asian - Percent	K-5		*	*	*	Not Rated	Not Rated
Asian - Denominator			*	*	*		
White - Percent	K-5		92.7	83.8	88.1	Average Rate	Level 3
White - Denominator			109	117	226		
Multi-racial - Percent	K-5		91.7	*	88.9	Not Rated	Not Rated
Multi-racial - Denominator			12	*	*		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

On Track to English Language Proficiency (ELP) Details

District: Scappoose SD 1J

School: Sauvie Island School

The On Track to English Language Proficiency (ELP) indicator displays the percentage of students who are on track to attain ELP, the denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

On Track to ELP Level	Cut
Level 5	80
Level 4	68
Level 3	56
Level 2	26
Level 1	<26

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
Current English Learners - Percent		*	*	40.0	Not Rated	Not Rated
Current English Learners - Denominator		*	*	*		



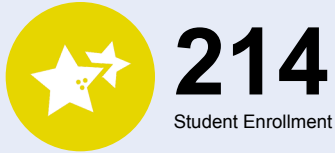
OREGON AT-A-GLANCE SCHOOL PROFILE

Sauvie Island School

2021-22

PRINCIPAL: Darla Meeuwssen | GRADES: K-8 | 14445 NW Charlton Rd, Portland 97231 | 503-621-3426

Students We Serve



DEMOGRAPHICS

American Indian/Alaska Native	
Students	0%
Teachers	0%
Asian	
Students	2%
Teachers	13%
Black/African American	
Students	0%
Teachers	0%
Hispanic/Latino	
Students	12%
Teachers	0%
Multiracial	
Students	5%
Teachers	0%
Native Hawaiian/Pacific Islander	
Students	0%
Teachers	0%
White	
Students	81%
Teachers	88%

* **2** Languages Spoken

15% Students with Disabilities

85% Required Childhood Vaccinations

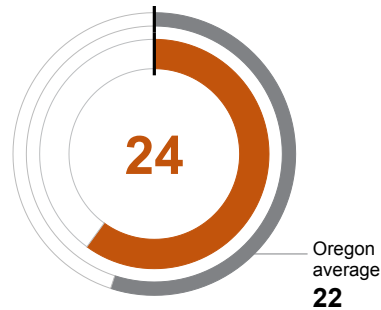
>95% Free/Reduced Price Lunch

*<10 students or data unavailable

School Environment

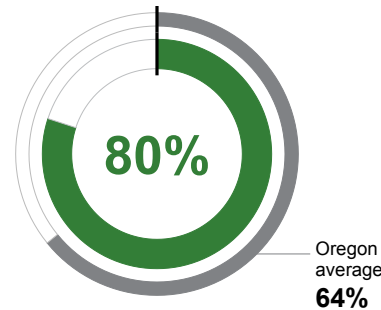
CLASS SIZE

Median class size.



REGULAR ATTENDERS

Students who attended more than 90% of their enrolled school days.



Academic Progress

INDIVIDUAL STUDENT PROGRESS

Year-to-year progress in English language arts and mathematics.

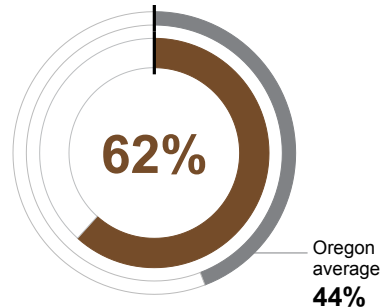
Data not available in 2021-22

54

Academic Success

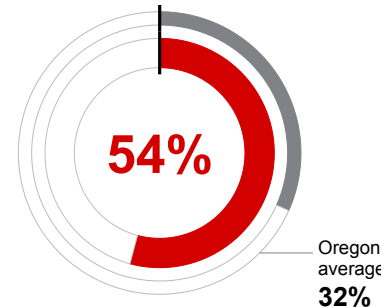
ENGLISH LANGUAGE ARTS

Students meeting state grade-level expectations.



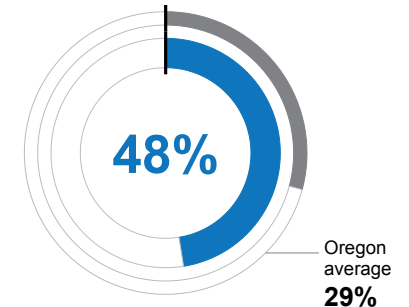
MATHEMATICS

Students meeting state grade-level expectations.



SCIENCE

Students meeting state grade-level expectations.



School Goals

SIS is a nonprofit, K-8 public charter school providing students with unique learning experiences. Our vision is to systematically and intentionally integrate the concepts of Placed-Based Education into quality standards-based core curriculum so students are engaged in their learning and connected to their community. At SIS, sense of place and the importance of community are key. Students learn and experience the value of applied and real-world experiences in our community. Students develop the ability to think critically, communicate effectively and excel academically.

State Goals

The Oregon Department of Education is partnering with school districts and local communities to ensure a 90% on-time, four year graduation rate by 2025. To progress toward this goal, the state will prioritize efforts to improve attendance, provide a well-rounded education, invest in implementing culturally responsive practices, and promote continuous improvement to close opportunity and achievement gaps for historically and currently underserved students.

Safe & Welcoming Environment

SIS strives to ensure all students and their parents/guardians feel welcome, included and part of our school community. As a public charter school, our students come from many of the surrounding communities and bring with them a wealth of experiences, diverse backgrounds, and varied perspectives. At SIS we believe in positive behavior interventions and supports (PBIS) by teaching behavioral expectations and acknowledging students for following them as a more positive approach than waiting for misbehavior to occur before responding. As a school and a community, we focus on being respectful, responsible, safe and kind.



OREGON AT-A-GLANCE SCHOOL PROFILE CONTINUED

Sauvie Island School



2021-22

Outcomes

Our Staff (rounded FTE)



13

Teachers



5

Educational assistants



1

Counselors/
Psychologists



80%

Average teacher retention rate



77%

% of licensed teachers with more than 3 years of experience



Yes

Same principal in the last 3 years

REGULAR ATTENDERS

American Indian/Alaska Native	<10 students or data unavailable
Asian	<10 students or data unavailable
Black/African American	<10 students or data unavailable
Hispanic/Latino	76%
Multiracial	82%
Native Hawaiian/Pacific Islander	<10 students or data unavailable
White	80%
Free/Reduced Price Lunch	80%
Ever English Learner	<10 students or data unavailable
Students with Disabilities	87%
Migrant	<10 students or data unavailable
Homeless	<10 students or data unavailable
Students in Foster Care	<10 students or data unavailable
Talented and Gifted	<10 students or data unavailable
Female	72%
Male	90%
Non-Binary	<10 students or data unavailable

ENGLISH LANGUAGE ARTS

<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
62%
<10 students or data unavailable
<10 students or data unavailable
60%
62%
<10 students or data unavailable
<10 students or data unavailable
32%
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
67%
57%
<10 students or data unavailable

MATHEMATICS

<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
23%
<10 students or data unavailable
<10 students or data unavailable
54%
54%
<10 students or data unavailable
27%
<10 students or data unavailable
<10 students or data unavailable
55
<10 students or data unavailable
<10 students or data unavailable
44%
64%
<10 students or data unavailable

About Our School

BULLYING, HARASSMENT, AND SAFETY POLICIES

To ensure a safe and secure learning environment for all students we have clear policies regarding bullying/harassment, as well as ongoing education for students and staff. Students receive guidance lessons that teach students how to recognize, respond and report bullying, harassment and unsafe behaviors. Students practice using Kelso's Choices to learn how to solve small problems on their own. We have a Student Support Team that supports students, staff and families. In addition, we have an emergency action plan, regular safety drills and a school safety committee. Each year students and parents are encouraged to provide feedback on the annual student and parent surveys.

EXTRACURRICULAR ACTIVITIES

At SIS we believe in using the local community and environment as a starting point to teaching concepts in language arts, mathematics, social studies, science and other subjects across the curriculum. We offer academic and extracurricular activities:

- Service Learning, Art, Music
- Sunday Science, Talent Show, Field Day

Middle School Specific:

- 8th Grade Project, Mock Trial, Student Ambassadors
- Football, Volleyball, Cross Country, Wrestling, Girls & Boys Basketball, Track
- Dances, Assemblies, Spirit Week, Boat Building, Outdoor School
- Electives: Art, Music Club, Gardening, Yearbook, Community Service, etc.

PARENT ENGAGEMENT

At SIS we welcome and encourage parent/guardian engagement. We have an active parent-teacher club and volunteer coordinators who help coordinate and support our Place-based approach to learning.

- School-wide Welcome Back BBQ, Family Curriculum Nights, K-8 Open House
- Parent Conferences & Music Concerts (Winter & Spring)
- Daily School Lunch Program

All volunteers go through a background check prior to working with students. Staff regularly communicates with parents on a weekly basis, a schoolwide newsletter every other week and parent conferences twice a year for all grades. We provide interpreters for conferences and meetings, to ensure all families are able to access information regarding their student(s).

COMMUNITY ENGAGEMENT

Community partnerships and engagement are essential for our Place-Based Program. Community partners provide knowledge of the area and the environment, to develop, grow and implement our curriculum. We work with our partners to host events and service learning opportunities, in order to help foster stewardship for the community.

Events Include: Harvest Festival, Clothing & Book Exchange

This year we worked closely with island partners, such as Columbia Farms, SI Pumpkin Patch, Topaz Farm, Sauvie Island Ctr, the SI Community Assoc, the SI Grange, Bailey's Nursery, the SI Fire Assoc, and many more to provide our students and teachers access to resources that enhance instruction and our local "Out and Abouts."

2021-22		Scappoose SD	Sauvie Island School	Grant Watts Elementary	Warren	Otto Petersen	Scappoose Middle School	Scappoose High School	South Columbia Family School	Scappoose Online Academy
American Indian/Alaska Native										
	Students	1%	0%	<1%	1%	1%	1%	1%	2%	1%
	Staff	0%	0%	0%	0%	0%	0%	0%	0%	0%
Asian										
	Students	1%	2%	1%	0%	<1%	1%	2%	0%	0%
	Staff	1%	13%	0%	0%	0%	0%	0%	0%	0%
Black/African American										
	Students	<1%	0%	0%	1%	1%	<1%	<1%	0%	1%
	Staff	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hispanic/Latino										
	Students	11%	12%	12%	9%	12%	10%	9%	8%	9%
	Staff	3%	0%	0%	0%	7%	0%	5%	0%	0%
Multiracial										
	Students	7%	5%	14%	5%	8%	7%	5%	2%	5%
	Staff	1%	0%	0%	0%	0%	0%	2%	0%	0%
Native Hawaiian/Pacific Islander										
	Students	1%	0%	<1%	1%	<1%	1%	<1%	0%	3%
	Staff	0%	0%	0%	0%	0%	0%	0%	0%	0%
White										
	Students	79%	81%	73%	83%	78%	80%	80%	88%	81%
	Staff	95%	88%	100%	100%	93%	100%	93%	100%	100%



SCAPPOOSE SCHOOL DISTRICT

"Cultivating passionate lifelong learners for an ever-changing world"

January 11, 2023

Oregon Department of Education
State School Board
255 Capitol Street NE
Salem, OR 97310-0203

RE: Sauvie Island School Charter Waiver Request

Dear State School Board:

The Scappoose School District finds no objection to continuing Sauvie Island School's waiver request as per the ORS 338. If approved by the State Board of Education, we understand that this waiver will be valid for providing preferences in the enrollment processes as defined in our charter agreement. Our charter agreement lists preferences as follows:

- Existing Student
- Siblings of Existing Students
- Staff Children
- On-Island Children
- Within the District Children
- Outside the District Children

Thank you for your consideration.

Sincerely,

Tim Porter, Superintendent
Scappoose School District

Cc: SIS Board, SIS Director

2023 Charter School Waiver Request Form

Charter School Overview

Category	Your Response
Charter School Name	Sauvie Island School
Address	14445 NW Charlton Rd, Portland OR 97056
Administrator Name	Darla Meeuwsen
Contact Information	(503) 621-3426 & dmeeuwsen@sauvieislandschool.org
School District	Scappoose SD
Year School Opened	2011
Current Charter Contract Dates (Start and End Date)	22/23-26/27 (5 years)
Brief description of your charter school's educational model (max 500 characters)	<p>At Sauvie Island School, we strive to systematically and intentionally integrate the concepts of Place-Based Education, Project-Based Learning, and Thematic Instruction into a quality standards-based core curriculum so that students are engaged in their learning and connected to their community.</p> <p>We provide the K-8 children of our community an opportunity to learn through the values of stewardship deeply rooted in the uniqueness that Sauvie Island offers. Our school is the heart of the Sauvie Island community. It is a meeting place that fosters an environment where students, parents, staff, and the community are partners in the educational process for the achievement of all children. We believe in the power of bridging classrooms and communities to help students grow and learn.</p>

Waiver Request Summary

What statute would you like the State Board to waive?	ORS 338.125(3)
Please summarize the waiver request (max 500 characters)	Sauvie Island School is respectfully requesting that the State Board waives ORS 338.125(3) to allow the school to continue the priority admission of children of SIS staff members. Over the past 6 years, 4.6% of the student body has been represented by children of staff members and this has proven to be a successful retention and recruitment tool at our school located in a rural area.

Waiver Request Detail

1. Who are the racial/ethnic and underserved groups affected? What is the potential impact of the resource allocation and strategic investment to these groups?

Sauvie Island School's racial/ethnic demographics include students representing 13% Hispanic, 5.1% Multiracial, 1% American Indian/Alaskan Native, 1% Asian, and 79.9% White populations. These demographics are reflective of the district at large with the exception of Hispanic representation which is 2% higher at SIS than the rest of the district. *(Please see attached demographics comparison)*. The majority of the Hispanic population at Sauvie Island School is represented by migrant families residing in the local community. SIS is the "neighborhood school" for island residents and provides a high-quality, convenient, and free K-8 learning environment for all migrant youth on the island. Approximately 23% of enrolled students receive free and reduced lunch at SIS. The longer staff members maintain their employment at the school, the better they can build relationships and meet the needs of underserved students. Staff members with children currently or previously enrolled at the school maintain longer-term employment at the school and are able to provide meaningful support to underserved students and their families. For example, 4 of our 23 staff members (two with currently enrolled students and two with previously enrolled students) have been employed at the school for 6 to 12 years.

To date, staff members have become employed at the school after their children were enrolled through the school's state-allowable lottery process. As a result, the underserved groups represented at SIS have not been impacted by priority enrollment of children of staff members. Sauvie Island residents are prioritized above the children of staff members in the priority enrollment process at SIS. This ensures that all children of migrant families on Sauvie Island have high admission priority as island residents. In addition, no underserved populations from Sauvie Island have been denied admission or placed on the waitlist due to the placement of a staff member's child. Rather, it is a helpful retention tool and supports long-term investment in the school.

Public schools are able to use a mechanism called an "inter-district transfer" which allows students to transfer to schools from other districts. Inter-district transfers serve as a retention tool for traditional public schools and the waiver provides an alternative for Charters as the current ORS does not provide this mechanism. Nearby St Helens School District has specific verbiage in employee contracts describing the opportunity for inter-district transfers for staff. Scappoose School District, Sauvie Island School's sponsor district, has an average of 30-40 inter-district transfers each year. Many of these transfers take place to allow children of staff members to attend the school where their parents are employed.

2. Does the decision being made ignore or worsen existing disparities or produce other unintended consequences? What is the impact on eliminating the opportunity gap?

It is our belief that the decision to waive the statute would not ignore or worsen disparities or produce other unintended consequences. When reviewing data related to the enrollment of children of SIS staff members over the past 11 years, 100% of staff members with children at the school were hired after their child was enrolled. These qualified staff members chose to pursue employment at the school because of the environment, convenience, and economic benefits. The cost of childcare and commuting could be otherwise prohibitive, but there are numerous benefits to working at the same location as your child(ren). Priority enrollment of children is listed in employee offer letters, allowing SIS to expand the benefits offered to our staff members.

An average of 3.7% to 5.5% of the student body has been children of staff members since 2017. On average, over half of these students are from minority groups. In all of these instances, the student spots would have been taken regardless of whether or not their parent was employed at the school as all parents were hired after their child was enrolled at the school. Of the current employees with children who are attending or have attended SIS, 2 employees have been here for more than 8 years and the rest have been employed for a minimum of five years

each. Currently, one 10-year employee of the school may have the ability to enroll his child when they are of age in 2025, thus increasing the likelihood of his continued employment at the school. To date, the waiver has not displaced students who would otherwise be granted enrollment in the school. Instead, it provides an additional benefit to staff while helping to ensure strong teacher investment in the SIS learning environment.

3. What are the barriers to more equitable outcomes? (E.g. mandated, political, emotional, financial, programmatic or managerial)

One established barrier to more equitable access/outcomes for our student population is transportation. Sauvie Island School is located in the heart of Sauvie Island, a rural/agricultural island in close proximity to Multnomah, Washington and Columbia counties. Students commute to the school from all three counties within a 50 mile radius from as far as North Portland and Columbia City. Transportation to and from the school can be challenging, especially for students with limited financial means, and SIS works closely with families to help with access to transportation options.

SIS works closely with TriMet and Columbia County Rider bus systems as well as the local public school busing system to ensure plentiful routes are available to our students. Sauvie Island School provides morning and afternoon staffing at the Scappoose Middle School which acts as a transportation hub for students utilizing the Columbia County busing system. We employ a Transportation Coordinator who gathers information from each family at the beginning of the school year and works with them to create a customized transportation plan. Staff maintain a carpool directory to help any students who may live outside of busing zones where they match up carpool candidates based on their location/availability. Our ESL Specialist provides translation services and works closely with ESD's Migrant Services to make sure all information is provided in the native language of each family and to present transportation information in an accessible manner.

4. How have you intentionally involved stakeholders who are also members of the communities affected by the waiver request? How do present your information in questions (1), (2) and (3) to these stakeholders?

Sauvie Island School provides detailed information about the enrollment/application process, transportation options and other pertinent information using a variety of platforms in the native languages of our school families. Families are provided with printed versions of enrollment information, the lottery process, Free and Reduced lunch forms, transportation options, etc. during in-person enrollment events, mailed upon request, in Parent/Student Handbooks distributed to each student, and they are readily available at the school any time. This information is readily available on the website and in e-newsletters as well.

SIS also hosts several informational events both in-person and on Zoom so that all families can access necessary information. There is a Kinder Info and Middle School Info night presented virtually and in-person and school staff regularly provide tours for interested families. The ESL Specialist is available for translation services for any informational events and conducts outreach to Spanish-speaking families at the beginning of the enrollment process. Translation, customized instruction, and support services are provided throughout students' enrollment at the school.

The clear communication and informational events about the enrollment process have helped to prevent the school from receiving any complaints about the process. We do receive regular inquiries from interested families and promptly describe the enrollment process, point them to website information, and/or provide printed information if applicable. The priority enrollment procedure is described as follows in enrollment materials and using the methods as described above:

OVERVIEW OF ENROLLMENT PROCESS

- Applications for the 2023-2024 school year were available on the Sauvie Island School Enrollment web page from February 1, 2023 through March 24, 2023.

- Students currently enrolled at SIS will be required to submit an enrollment application with their space being guaranteed for the following school year.
- Priority enrollment is allowable by state law and gives priority to currently enrolled students, siblings of current students, Sauvie Island residents, children of staff members, then students residing within the Scappoose School District, and then to students residing outside SIS's sponsoring school district.

Priority of Admission:

1. Students who were enrolled in the school in the prior school year.*
2. Siblings of current students who are in 7th grade and younger during the application window.*
3. Sauvie Island residents.*
4. Children of SIS staff (allowable via state waiver)
5. Residents in the Scappoose SD*
6. Residents outside the Scappoose SD*

*Admission priorities allowable via ORS 338.125

- Applications for the 2023-2024 school year will not be accepted prior to February 1, 2022.
- Applications for the 2023-2024 school year will not be included in the lottery pool if received after March 24, 2023. Applications received after March 24, 2023, will be placed on the bottom of the waitlist, after the lottery in the order in which they are received.
- You will receive an e-mail confirmation that your application was received within 14 days.

5. How will you modify or enhance your strategies to ensure each students' and communities' individual and cultural needs are met?

SIS staff work closely together to develop and design curriculum reflecting both a diverse and Place-Based philosophy. Staff representing each grade band participate in regular DEI Committee meetings/work sessions where they share resources and best practices around weaving a DEI lens reflective of the school community into the daily curriculum. The SIS Library has received yearly DEI grants allowing us to purchase collections of books that are accessible to students and families. These books include content exploring different cultures and abilities, and there is a regularly updated collection of Spanish-language books.

The school's literacy curriculum centers around Geodes books which are designed to be inclusive and multicultural. From Geodes, "Written and illustrated by a talented group of authors and award-winning illustrators, Geodes reflect a broad range of identities and diverse experiences, allowing young students to see themselves, others, and worlds both familiar and distant." SIS uses Student Investment Account funds to purchase and implement the Literacy Program and we provide Orton-Gillingham training for our Reading Specialists so that they are able to customize small-group literacy lessons to meet the needs of learners with Dyslexia.

Our Licensed English Development Specialist works closely with Spanish-speaking families to meet them where they are and remove any barriers to accessing information, activities, events, and services connected to the school. This teacher is on-site daily and closely collaborates with the teachers, school counselor, administrative staff, students, and families. She actively participates in professional development activities and trainings, including the NWRESD Title III Consortium. She hosts a weekly lunch group at the school where students have the opportunity to explore cultural themes and self-guided conversations. This group was the brainchild of a 5th-grade student at the school and has been proven to be a popular, effective support mechanism for students of all ages.

6. How are you collecting data on race, ethnicity, and native language?

SIS families self-report race, ethnicity, and native language during the enrollment process. We utilize the State of Oregon Language Use Survey which is provided and tracked for each enrolled student. Families are required to

complete annual enrollment paperwork where any updates to this information can be provided. Data is maintained in each student’s cumulative file and in the district-wide Synergy Information System. All required data is regularly reported to the Oregon Department of Education.

7. What is your commitment to P-20 professional learning for equity? What resources are you allocating for training in culturally responsive instruction?

As a Place-Based school, we focus on the local environment, people, and resources available to us that reflect our school community. This supports a culturally responsive teaching environment in that we are looking to the communities that our students belong to as guiding factors in our daily learning activities. The lived experiences of our students are reflected in their school environment and carefully considered as core elements of the curriculum. Local current events and broader world issues are regularly addressed in the classrooms and students are encouraged to develop their own critical thinking skills. Information and images displayed in classrooms and throughout the school represent diverse, varied groups.

Teachers at SIS work to understand the different learning styles of our K-8 students and accommodate those differences with modifications to the classroom and curriculum. We understand that a rigid classroom environment and expectations do not accommodate different learning styles and cultural identities. One-on-one and small group instruction is provided along with sensory items, quiet learning options, and customized learning options based on individual needs.

Sauvie Island School is dedicated to providing comprehensive learning opportunities for our students that provide equitable access to hands-on, workforce development opportunities. We maintain a long list of partners who work closely with staff and students to bring exposure to a variety of communities and opportunities. These partners include local agricultural businesses, Wind and Oar boat building program, nonprofit organizations such as Adaptive Sports NW Wheelchair Sports Program and Taking Ownership PDX, STEM programs, The Humane Society, Audubon Society, engineering and construction professionals, master gardeners, and many more who come to the school to provide regular professional learning opportunities.

Data Collection

All charter schools with approved waivers will be required to report the impact of the wavier annually to the State Board. What is the charter school’s plan for collecting data on how the proposed waiver will impact students and the quality of education? The plan must minimally include disaggregated data by student demographics and stakeholder engagement.

To date, all staff members have been hired **after*** the enrollment of their children. As noted above, the benefit of priority enrollments contributes to an engaged, committed group of teachers with a long-term investment in the quality of SIS’s educational program. SIS tracks data related to the annual enrollment of staff members’ children and maintains it in the following spreadsheet format:

Sauvie Island School												
School Year	2022-23	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16	2014-15	2013-14	2012-13	2011-12
K-8 Enrollment	215	214	216	214	212	206	214	215	214	216	200	173
Total Staff (Full-time & Part-time)	23	22	21	21	20	21	23	23	23	23	22	13
Staff Students*	5	7	10	11	12	10	13	10	9	9	6	1
% of Staff Students	2.33%	3.27%	4.63%	5.14%	5.66%	4.85%	6.07%	4.65%	4.21%	4.17%	3.00%	0.58%

Sponsor Acknowledgment

The State Board is interested to understand the charter school sponsor's position on the waiver request. Please include evidence that the sponsor acknowledges being notified of the waiver request and whether or not the sponsor is in favor of the request.

Included as a separate attachment: Letter of Support

Included as a separate attachment: 2021-22 SIS vs SD Demographics Chart

Charter School Overview

Category	Your Response
Charter School Name	Kalmiopsis Community Arts High School (KCA)
Address	PO Box 110, O Brien, OR 97534 (The school opens in August and is not yet receiving mail at its physical address)
Administrator Name	Kaci Elder, Teacher Leader
Contact Information	kaci@kcahs.org, 541-363-8806
School District	Three Rivers
Year School Opened	2023
Current Charter Contract Dates (Start and End Date)	August 2023 – June 30, 2026 [<i>Contract in process of finalization</i>]
Brief description of your charter school’s educational model (max 500 characters)	KCA will open August 2023, serving grades 9-11 the first year and grades 9-12 subsequently. Maximum enrollment is 16 students/grade, or 64 total students. KCA emphasizes the fine, performing, and literary arts, including arts-integration into all classes; place-based learning; and collaborations with professional artists, naturalists, historians, and craftspeople. KCA minimizes hierarchy via student-led meetings, restorative justice, and a teacher-run administration.

Waiver Request Summary

What statute would you like the State Board to waive?	* 338.135.7(c) “... at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS 342.125.”
Please summarize the waiver request (max 500 characters)	Temporarily reduce the 50% licensure requirement to 25%. The waiver would only apply to two of the school’s co-founders — unlicensed teachers (with a combined 25% teaching FTE) who are experienced educators currently enrolled in credential programs — and would be limited to two school years. The waiver would expand our ability to hire diverse non-licensed educators in our rural community.

Waiver Request Detail

1. Who are the racial/ethnic and underserved groups affected? What is the potential impact of the resource allocation and strategic investment to these groups?
The waiver would apply to two specific teachers, Ryan Forsythe and Melissa DeNardo, KCA teachers who have been co-creators of the school since 2017 and 2020, respectively. Melissa has 18 years teaching experience. She previously held a teaching certification in Arizona that expired prior to her move to Oregon; for financial reasons, at the time Melissa decided not to

renew her credential and became a private school classroom teacher. Ryan holds an M.S. in Higher Education Administration, an M.A. in Teaching Writing, an M.F.A. in Creative Writing, and two years experience teaching in the GED program through Rogue Community College’s Kerby campus in the Illinois Valley. KCA has adopted a teacher-run organizational model, and Melissa and Ryan will be registered through TSPC as both teachers and administrators.

The affected racial/ethnic and underserved groups include students who are low-income, have physical and mental disabilities, are from historically oppressed racial and ethnic backgrounds, are Multilingual Learners, and/or are members of the LGBTQ2SIA+ and/or transgender communities.

KCA recently opened enrollment for the 2023-2024 year, and 17 students have enrolled. A demographic comparison between KCA and Illinois Valley High School¹ are as follows:

Student Demographics	KCA	IVHS
Low-income (eligible for Oregon Trail, TANF, WIC, or Oregon Health Plan; or live below the poverty line; or qualify for the USDA free or reduced lunch program)	88%	>95%
Historically oppressed race or ethnicity ²	29.4%	30%
Mental or physical disability	47%	11%
Limited English Proficiency ³⁴	0%	5%
Historically oppressed sex, gender identity, or sexual orientation	29.4%	Data unavailable

This waiver will enable KCA to hire more non-licensed teachers, which will widen the eligibility pool of knowledgeable and talented educators who do not have teaching licenses. Eight non-licensed educators have met multiple times with the school’s co-founders to discuss possible part-time employment at KCA, and each would add diversity to the teaching staff, including an Asian-American environmental education and physical education educator, a Native American botany educator, a bilingual (Spanish/English) educator, a transgendered theatre educator, an LGBTQ2SIA+ educator, a specialist in African-American history, a retired nurse (age 60+) and a professional sculptor/artist (age 70+).

Potential positive impacts to the affected groups are more successful educational outcomes due to an increased diversity of teaching staff to better reflect students’ cultural backgrounds.

¹ Illinois Valley High School Report Card (2021-2022) <https://drive.google.com/file/d/1jnV1-3KgyOD-zIwj5Geu94YBK4S0TRam/view>

² This broad category is referenced in the enrollment form; disaggregated data will be collected through the registration forms

³ Terminology is in the process of being updated in accordance with Oregon’s transition from “LEP” to Multilingual Learners” (MP) classification

⁴ Linguistic, racial, and ethnic data is disaggregated in registration forms

2. Does the decision being made ignore or worsen existing disparities or produce other unintended consequences? What is the impact on eliminating the opportunity gap?

The waiver is intended to narrow existing disparities. The potential for increased diversity in the teaching staff has been addressed; another potentially positive impact on eliminating the opportunity gap is the potential for increased teacher retention.

Confirmed data of the percentage of Illinois Valley teachers who live non-locally was not accessible; however, anecdotal data from a current Illinois Valley High School teacher indicated approximately six of the 19 teachers live in the Illinois Valley, or 32%. This leaves an estimated 68% of Illinois Valley High School teachers commuting from Grants Pass (an estimated 45-minute commute) or further away. KCA would like to increase the percentage of teachers who live in the Illinois Valley. Teachers who commute more than 45 minutes to their school site are more likely to leave the school; additionally, they receive somewhat lower classroom observation ratings and are absent two more days, on average, than teachers with shorter commutes (Santelli and Grissom, 2022). Furthermore, the only highway that connects Grants Pass and the Illinois Valley is Highway 199, a two-lane mountainous route that is rated the 13th-most dangerous highway in the United States, with a crash rate similar to other regional highways yet with a significantly higher crash severity⁵. The commute time coupled with dangerous road conditions has contributed to teacher turnover in local schools (personal communication, 2022). Finally, “Among rural teachers, those who lived further away from the schools where they work had fewer ties to the school’s surrounding community and felt less connected with students and colleagues” (Santelli and Grissom, 2022, p. 6).

We cannot guarantee that all or most KCA staff will be comprised from current valley residents or staff who move to the valley for employment at KCA, although that is our hope. However, acceptance of the waiver request will help KCA move closer to this goal by allowing the two teachers, Melissa and Ryan, both of whom are longtime valley residents, to be temporarily categorized as licensed staff while they complete their licensure requirements, thus “freeing up” space for non-licensed teachers, all of whom live locally, to contribute to the school. It should be noted that we do not wish to limit the staff to current Illinois Valley residents; we would *love* for staff to move here for employment at KCA. What matters is consistency for the kids, who have an increased chance of success with higher teacher retention (Dykstra, D.D., 2014), which is affected by proximity to the school site and residency in the local community.

3. What are the barriers to more equitable outcomes? (E.g. mandated, political, emotional, financial, programmatic or managerial)

The Illinois Valley is an isolated, high-poverty community in Southern Oregon. Correlations between poverty and educational success are well-documented (McKenzie, 2019; Tine, 2017; Kepins, 2021). Other obstacles are rural-related; two examples are lengthy school bus commutes (i.e., Three Rivers School District buses travel 10,000 miles each day) and limited internet access (e.g., during the early stages of the pandemic, district resources necessarily prioritized providing portable hotspots to families and converting school buses into mobile internet providers). Among other barriers, physical and mental health care is difficult to

⁵ Oregon Department of Transportation (2019):

access; the Illinois Valley does not have a homeless shelter⁶; and the region's racism has long been documented (Wadewitz, 2022).

KCA's design is influenced by educational research indicating a positive correlation between student achievement and small class sizes (Shin and Chung, 2009), a focus on the arts (Scripp and Paradis, 2014), integration of place-based learning (Bolduc, 2022), use of restorative justice techniques (Darling-Hammond et al, 2020), and community collaborations (Miller, 1993).

4. How have you intentionally involved stakeholders who are also members of the communities affected by the waiver request? How do you present your information in questions (1), (2) and (3) to these stakeholders?

The primary stakeholders are enrolled students and their families. Upon enrollment, KCA teachers have been meeting with each newly enrolled family for 1-2 hours in order to build a relationship with students and their families prior to the school's opening in late August. We are forthcoming with teachers' prior experience and licensing status. To date, no family has shown concern regarding teacher licensure. Teacher backgrounds are also described in our monthly newsletter and on our website.

5. How will you modify or enhance your strategies to ensure each students' and communities' individual and cultural needs are met?

The waiver will increase the ability to hire diverse non-licensed teachers, such as the eight potential teachers who have expressed a strong interest in teaching at KCA. Student outcomes are positively impacted by being educated by teachers from underrepresented groups (Suárez, 2022). Of the currently enrolled students, 29.4% identify as LGBTQ2SIA+ and/or transgender, sharing these characteristics with two of the eight potential teachers. Additionally, all students benefit from being educated by teachers from underrepresented communities (Suárez, 2022).

6. How are you collecting data on race, ethnicity, and native language?

KCA currently collects quantitative data through enrollment forms; data from registration forms will be available beginning in May 2023; upon the school's opening, data will also be collected through annual student enrollment collections. Qualitative data is collected formally through introductory family meetings and informally through student coursework, class discussions, and student observations.

The 2023-2024 enrollment form⁷ lists five categories to voluntarily self-report:

(1) Low-income (eligible for Oregon Trail, TANF, WIC, or Oregon Health Plan; or live below the poverty line; or qualify for the USDA free or reduced lunch program)

(2) Mental or physical disability

⁶ A transitional housing project is under development, which should help. One of the newly enrolled students lived in a vehicle for two years with her mother, who described their story at length during a private meeting with KCA co-founders.

⁷ KCA Enrollment Form: <https://docs.google.com/forms/d/e/16A1pQLSekL1SttGUZUPk-8nybgO5gEnTDcWBtkn8mnPQ0RhnzScjrYQ/viewform>

- (3) Limited English Proficiency⁸⁹
 (4) Historically oppressed race or ethnicity¹⁰
 (5) Historically oppressed sex, gender identity, or sexual orientation

7. What is your commitment to P-20 professional learning for equity? What resources are you allocating for training in culturally responsive instruction?

Professional development in Prenatal-20 and culturally responsive instruction has included, and will include, trainings from the Southern Oregon Education Services District (e.g., DEI, SIOP, Universal Design, trauma-informed practices, Equity 101/201); Resolve Center for Dispute Resolution and Restorative Justice; ODE (e.g. Supporting Gender Expansive Students Guidance 3/14/23); Transponder (training to support students in the trans/gender-diverse community); and social justice conferences (e.g. Northwest Teachers for Social Justice, Pedagogy & Theatre of the Oppressed).

Data Collection

All charter schools with approved waivers will be required to report the impact of the waiver annually to the State Board. What is the charter school's plan for collecting data on how the proposed waiver will impact students and the quality of education? The plan must minimally include disaggregated data by student demographics and stakeholder engagement.

To assess student academic outcomes in classes taught by licensed teachers in comparison to classes taught by the two teachers for whom this waiver would apply, data collection will include in-class summative assessments, mandated district and state assessments, and anonymized student feedback at the conclusion of each semester.

To assess the impact on student demographics, registration forms will collect disaggregated racial, ethnic, linguistic, sexual orientation, gender identity, mental and physical disability, and poverty data. A mid-year survey, using the same metrics, will provide regular opportunities for families to adjust their responses as needed.

Validity and reliability concerns include the small sample size (considering the school's maximum enrollment of 64), participant bias of student feedback, the short duration of the waiver period, and the limited application of the waiver to two specific teachers. These concerns will be enumerated in each annual report.

References:

Bolduc, D. (2022). The power of place-based learning experiences on student engagement, writing achievement, and community perception (Doctoral dissertation).

⁸ Terminology is in the process of being updated in accordance with Oregon's transition from "LEP" to Multilingual Learners" (MP) classification

⁹ Linguistic, racial, and ethnic data is disaggregated in registration forms

¹⁰ “

All charter schools with approved waivers will be required to report the impact of the waiver annually to the State Board. What is the charter school's plan for collecting data on how the proposed waiver will impact students and the quality of education? The plan must minimally include disaggregated data by student demographics and stakeholder engagement.

Darling-Hammond, S., Fronius, T. A., Sutherland, H., Guckenburg, S., Petrosino, A., & Hurley, N. (2020). Effectiveness of restorative justice in US K-12 schools: A review of quantitative research. *Contemporary School Psychology, 24*, 295-308.

Dykstra, D.D. (2014). Teacher retention in a small rural school as related to job satisfaction and student performance [ProQuest LLC].

Kepins, J. L. (2021). *School poverty and the frog-pond: How relative and absolute achievement levels predict the college applications of American high school students.*

McKenzie, K. (2019). The effects of poverty on academic achievement. *BU Journal of Graduate Studies in Education, 11*(2), 21-26.

Miller, B. A. (1993). Rural distress and survival: The school and the importance of community. *Journal of Research in Rural Education, 9*(2), 84-103.

Santelli, F.A. and Grissom, J.A.. (2022). A Bad commute: Does travel time to work predict teacher and leader turnover and other workplace outcomes? (EdWorkingPaper: 22-691). Retrieved from Annenberg Institute at Brown University: <https://doi.org/10.26300/dzcyj-wg46>

Scripp, L. and Paradis, L. (2014). Embracing the burden of proof: New strategies for determining predictive links between arts integration teacher professional development, student arts learning, and student academic achievement outcomes. *Journal for Learning through the Arts, 1*.

Shin, I. S., & Chung, J. Y. (2009). Class size and student achievement in the United States: A meta-analysis. *KEDI Journal of Educational Policy, 6*(2).

Suárez, M. I. (2022). My autohistoria-teoría (trans) formational experience: An autoethnographical case study of a transgender BIPOC teacher's experience with racial healing. *International Journal of Transgender Health, 23*(1-2), 243-254.

Tine, M. (2017). Growing up in rural vs. urban poverty: Contextual, academic, and cognitive differences. *Poverty, inequality and policy, 9*-22.

Wadewitz, L. K. (2022). Leveraging whiteness in settler colonial Oregon. *Reviews in American History, 50*(3), 310-316.

The State Board is interested to understand the charter school sponsor's position on the waiver request. Please include evidence that the sponsor acknowledges being notified of the waiver request and whether or not the sponsor is in favor of the request.

Included as a separate attachment

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.C.

<p>SUBJECT: Kalmiopsis Community Arts Public Charter School Waiver Request STAFF NAME & OFFICE: Kate Pattison & Emily Nazarov, Government and Legal Affairs, Director’s Office; Kaci Elder, Kalmiopsis Community Arts High School Public Charter School</p> <p>Kalmiopsis Community Arts High School is requesting a waiver of employee licensure requirements in ORS 338.135(7)(c) and allow the school to employ more than 50% of the teaching and administrative FTE with a charter school registry by the Oregon Teacher Standards and Practices Commission (TSPC).</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 checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Public Charter School Waivers

The State Board of Education has been granted the authority to waive certain provisions of the Public Charter School Statutes in [ORS Chapter 338](#). The standards and process for requesting a waiver of ORS 338 have been set forth in [OAR 581-026-0130](#) and the 2020 Process to Request a Charter School Waiver.

ORS 338.025 Rules; waiver of provisions of chapter; exceptions.

(1) The State Board of Education may adopt any rules necessary for the implementation of this chapter. The rules shall follow the intent of this chapter.

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

OAR 581-026-0130: Procedure to Waive Certain Provisions of the Charter School Law

(1) A public charter school may petition the State Board of Education for a waiver of any provision of ORS 338. The written petition must specify the reason(s) the charter school is seeking the waiver and any other relevant information.

(2) The public charter school must notify the sponsor if a waiver under this section is being considered. Waivers granted by the State Board to a charter school may require amending the charter under the provisions of OAR 581-026-0100 (7).

(3) The State Board of Education, upon receipt of a waiver petition, will review the petition and may grant the waiver upon a showing that approving the waiver would:

- (a) Promote the development of programs by providers;
- (b) Enhance the equitable access by underserved families to the public education of their choice;
- (c) Extend the equitable access to public support by all students; or
- (d) Permit the development of high quality programs of unusual cost.

(4) The State Board of Education may not waive any review provision under the Act or any provision under ORS 338.115(1).

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.C.

ODE Staff Analysis of Waiver Request

Kalmiopsis Community Arts High School (KCA) is a newly approved charter school that will begin operation in the 2023-24 school year under the sponsorship of the Three Rivers School District.

The charter school is requesting to waive ORS 338.135(7)(c), which requires that at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school be licensed by the Oregon Teacher Standards and Practices Commission (TSPC). The specific waiver request is limited to the first two years of operation and would allow founding teachers who are enrolled in teacher licensure programs to be employed with the TSPC charter school registry. The waiver request maintains 25% of the teaching and administrative FTE to be licensed by TSPC.

338.135 Employees; licensure and registration requirements

(7)(a) Any person employed as an administrator in a public charter school shall be licensed or registered to administer by the Teacher Standards and Practices Commission.

(b) Any person employed as a teacher in a public charter school shall be licensed or registered to teach by the commission.

(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS 342.125.

If granted, KCA will be allowed to employ up to 75% of the teaching and administrative FTE with staff holding TSPC charter registries. KCA will still be required to comply with all other subsections of ORS 338.135.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board of Education has not granted any previous waivers for Kalmiopsis Community Arts High School. This waiver was presented to the Board on April 20, 2023 as a first read.

POLICY ISSUES OR CONCERNS

The State Board has considered three charter school teacher licensure waivers in the past. In 2004 a charter school requested the allowance for 40% of teachers to qualify with a restricted, provisional license while in an approved MAT program. The Board did not approve this waiver. In 2012, a small rural charter school that operates a state-wide virtual component requested the flexibility to employ registered teachers at their brick-and-mortar campus. The statute requires virtual public charter schools to employ 95% licensed teachers and the school wanted to have the 50% allowance for registered teachers in their brick-and-mortar program. The Board approved this request. In 2021, a language immersion school in Portland requested to have the 50% licensure requirement waived completely. The Board did not approve this request.

To date, the Board has not previously approved a waiver to allow a public charter school to employ more than 50% of the FTE as registered TSCP teachers.

The rules for TSPC charter school registry allow teachers to be employed by a public charter school without meeting the standard requirements of a license. At minimum, the teacher must pass a background check and finger printing requirements, have a letter from the public charter school

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 4.C.

certifying the employment and assignment, and pass the civil rights exam. Other qualifications can be established by the hiring charter school.

In Oregon, between 10%-15% of charter school teachers are registered by TSPC versus licensed. Public charter schools with curricular models that require alternative certification or specific knowledge requirements (e.g. Montessori, Waldorf, Language Immersion, and specific trades) typically have closer to 50% of their FTE employed as TSPC registered teachers.

For this waiver request, the charter school has requested to increase the percentage of staff with TSPC charter school registries to 75%. The sponsoring district has not provided a letter of support at this time but is aware of the request.

In 2021, ODE's charter school specialist met with TSPC Executive Director, Dr. Anthony Rosilez, and the TSPC Director of Licensure, Elizabeth Keller. TSPC expressed concern that reducing the percentage of licensed teachers and administrators in the public charter school below the limit put in place by the legislature, could weaken the capacity of the school to maintain professional and ethical responsibilities. Licensure requirements and ongoing professional learning support the integrity of the profession. Without a significant number of teachers and education leaders with the education, training, and professional accountability that come with a TSPC license, the students could experience harm because of a reduced capacity to teach the whole child, develop appropriate and culturally responsive curriculum, engage in educational planning, and uphold ethical conduct standards.

TSPC leadership also acknowledged a reduction of the licensure requirements may place an additional burden on the charter school's sponsor district to provide oversight and accountability for school staff who are held to the same level of instructional excellence and ethical conduct standards as licensed teachers.

EQUITY IMPACT ANALYSIS

See the application narrative provided by the requestor.

FISCAL ANALYSIS

There is no fiscal impact on the Department or the State Board of Education.

EFFECT OF A "YES" OR "NO" VOTE

Yes = If the Board grants the waiver as requested, Kalmiopsis Community Arts High School will be able to employ staff with a TSPC charter school registry up to 75% of the teaching and administrative FTE.

No = Kalmiopsis Community Arts High School will not be allowed to employ more than 50% FTE teaching and administrative staff with a TSPC charter school registry and must comply with ORS 338.135(7)(c).

ATTACHMENTS

Attachment 1: Kalmiopsis Community Arts High School Public Charter School Waiver Request

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 5.A.

<p>SUBJECT: Cottonwood School of Civics and Science Charter Contract (State Board Sponsored Charter School)</p> <p>STAFF NAME & OFFICE: Kate Pattison, Charter School Specialist; Emily Nazarov, Government and Legal Affairs Manager; Amanda McAdoo, Cottonwood Charter School</p> <p>First reading of the Cottonwood School of Civics and Science Charter Contract authorizing the school to operate July 1, 2023 to June 30, 2033.</p>	<p><input checked="" type="checkbox"/> First Reading</p> <p><input checked="" type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action</p> <p><input type="checkbox"/> Temp Rule</p> <p><input type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p>
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BACKGROUND

The Cottonwood School of Civics and Science (Cottonwood) is one of four Oregon State Board of Education sponsored public charter schools. Approved for sponsorship in April 2007, Cottonwood first opened in September 2007 and the school is currently in its fifteenth year of operation. The Cottonwood School is located in the Portland Public School District and serves about 205 students in grades K-8. The purpose of the school is to provide a [place-based education](#), encouraging exploration of the natural world and involvement in the local community.

The current charter contract expires on June 30, 2023 and the State Board of Education received an official written request from Cottonwood for renewal of the charter contract in December 2022. On April 20, 2023, the State Board approved the renewal of the school and directed the Department to negotiate a new charter contract. This contract includes updated language reviewed by the Oregon Department of Justice and the Department’s procurement team. The contract is similar to the last two charter contracts the State Board has approved for other renewed charter schools in the last two years.

Below are important sections for the Board to review for Cottonwood:

- **Section 13.G.v. Enrollment Requirements – Priority Enrollment**
 - Cottonwood has been granted the option to provide children of staff enrollment priority in the previous charter contract. As the staff has been diversifying its student and staff population, this may be leveraged as a recruitment and retention mechanism.

- **Section 13.G.viii. Enrollment Requirements – Student Cap**
 - In the previous contract, Cottonwood school enrollment was limited to 288 students. Cottonwood has asked to increase the cap on enrollment and this contract draft will allow 420 students. The school’s current facility does not have the capacity in its current form to support more than 288 students. If Cottonwood is going to increase in size, the school will need to find a new location or remodel the current location.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 5.A.

- **Section 22. School Location**

- Public charter schools are allowed by law to locate a school or facility outside of the district in which they originally applied to be sponsored. The last charter contract explicitly limited Cottonwood to a location within the Portland School District boundary. This contract allows the charter school to comply with current statute and locate outside of the District’s boundary but adds the requirement for written permission from the District. There is currently a bill being considered by the Legislature that will prohibit this for State Board of Education sponsored charter schools. If the bill passes and is signed into law, the charter school must comply with the statute.

SUMMARY OF PREVIOUS BOARD ACTION

This is Cottonwood’s fourth renewal and fifth charter contract. The school was originally approved by the Board on April 19, 2007. The initial charter was effective from July 1, 2007 to June 30, 2010. The first renewal was approved in January 28, 2010 and the second charter was effective from July 1, 2010 to June 30, 2013. The second renewal was approved March 8, 2013 and the third was effective from July 1, 2013 to June 30, 2018. The third renewal was approved April 23, 2018 and the fourth and current charter is effective July 1, 2018 to June 30, 2023. The State Board first heard Cottonwood’s fourth request for renewal at the March 2023 meeting and approved the renewal at the April 2023 meeting. This is the first reading of the draft charter contract.

HAS THE DOCKET CHANGED SINCE LAST BOARD MEETING?

Yes – As follows:

POLICY ISSUE OR CONCERNS

The Department has provided a copy of the draft charter contract to the Portland School District to ensure full transparency in the process.

EQUITY IMPACT ANALYSIS

The Cottonwood School is located in the SW waterfront in Portland. The school has served about 200 students in grades K-8 since 2007. Cottonwood uses a place-based instructional model to engage students in a localized approach that considers the cultural, historical, physical, and environmental context and actors. Students at Cottonwood conduct fieldwork and are often outside the building in parks, farms, and downtown Portland. The school has established many partnerships across the region with private and public entities.

In recent years, Cottonwood has leveraged multiple grants to expand and disseminate equity-focused educational activities. The school produced a middle school curriculum titled [Civil Rights and Civil Wrongs, The Black History of Portland](#). This was produced and disseminated through workshops with PPS educators and other groups in the area. Cottonwood has also prioritized its relationship with and learning from indigenous leaders from Oregon and the surrounding region. The school has reframed the full curriculum from westward expansion to an eastward view. The school welcomed a native artist to

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 5.A.

work with students and paint a mural on the school walls. Cottonwood established an [Indigenous Educator Advisory Group](#) that helps advise school leadership and acts as a resource to teachers.

At the renewal hearings for Cottonwood in 2018, the State Board urged the school to consider how it might further recruit, retain, and support more students and staff of color. Cottonwood has established a [Diversity, Equity and Inclusion Committee](#). The committee has helped the school establish affinity groups for families of color, inform policies of the school board, support the use of the [school's equity lens](#), and move the [DEI Work Plan](#) forward. Additionally, Cottonwood has added a Diversity Equity Inclusion and Belonging Coordinator to the leadership team who works closely with school leaders, teachers, families, and students.

In 2018-19, Cottonwood's student population was 23% students of color and 77% white students. With the help of targeted investments, cultural shifts, and systemic adjustments (including the implementation of a weighted lottery in 2022), the school's student population for the 2022-23 school year is 34% students of color and 66% white students.

When compared to PPS academically for the 2021-22 school year, Cottonwood students perform at higher rates in almost all categories. The school is working to improve math instruction and systems for intervention.

Figure 5 – Cottonwood Performance Compared to PPS 2021-22

2021-22 Indicator	Cottonwood Grades 3-8	PPS Grades 3-8	Framework Rating
ELA - Achievement			
• All Students	74.0	55.8	Not Rated
• Economically Disadvantaged	74.0	55.8	Exceeds
• Special Education	60.0	32.7	Exceeds
• Underserved Race/Ethnicity	62.5	26.4	Exceeds
MATH – Achievement			
• All Students	46.0	45.4	Not Rated
• Economically Disadvantaged	46.0	45.4	Meets
• Special Education	51.4	26.8	Exceeds
• Underserved Race/Ethnicity	12.5	17.6	Does not Meet

FISCAL ANALYSIS

A decision to not renew Cottonwood would result in a loss of about \$190,000 a biennium. This is equivalent to about 23% of the funds the Department receives from the state sponsored charter schools that is used to fund all charter school staff and programs at ODE.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 5.A.

Sponsorship of Cottonwood School results in a revenue of other funds at about \$190,000 a biennium. This is equivalent to about 23% of the funds the Department receives from the state sponsored charter schools that is used to fund all charter school staff and programs at ODE. Expanding enrollment will allow Cottonwood will also increase Department revenue. If the school expands to the full 420 students as allowed in this draft, it could increase Department revenue by about \$200,000 a biennium.

EFFECT OF A "YES" OR "NO" VOTE

"Yes" = The Cottonwood contract will be executed and signed by both parties initiating a new charter, authorizing the school to operate through June 30, 2033.

"No" = Cottonwood will continue to operate under the previous charter contract until a new contract is negotiated and approved by both parties.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

ATTACHMENTS

Attachment 1: 2023-2033 Cottonwood Charter Contract and Exhibits DRAFT 5-16-23

**OREGON STATE BOARD OF EDUCATION SPONSORED CHARTER SCHOOL
AGREEMENT**

This State Board of Education sponsored Charter School Agreement (the “Agreement”) is between the State of Oregon acting by and through its Oregon Department of Education (“ODE”) on behalf of the Oregon State Board of Education (“Board”) and The Cottonwood School of Civics and Science (“Charter School”), an Oregon nonprofit corporation, each a “Party” and, together, the “Parties”.

RECITALS

WHEREAS the Oregon Legislature enacted Oregon Revised Statutes (ORS) chapter 338, which sets forth the laws under which charter schools are created and governed; and

WHEREAS the Board determined the Charter School’s proposal for the formation of a public charter school on April 19, 2007 complied with the purposes and requirements of ORS chapter 338; and

WHEREAS the Board and the Charter School entered into a Sponsored Charter School Agreement in June 2007 to authorize the Charter School to operate from July 1, 2007 to June 30, 2010; and

WHEREAS the Board approved the renewal of the Charter School on January 28, 2010 to authorize the Charter School to operate from July 1, 2010 to June 30, 2013; and

WHEREAS the Board approved the renewal of the Charter School on March 8, 2013 to authorize the Charter School to operate from July 1, 2013 to June 30, 2018; and

WHEREAS the Board approved the renewal of the Charter School on April 23, 2018 to authorize the Charter School to operate from July 1, 2018 to June 30, 2023; and

WHEREAS the Charter School submitted to the Board on December 30, 2022 a request for to continue its operations; and

WHEREAS the Board approved the renewal of the Charter School on April 21, 2023 and directed ODE staff to negotiate and enter into an agreement acceptable to the Board and Charter School; and

WHEREAS ORS Chapter 338 contemplates, and the Parties agree, that this Agreement including its Exhibits, will constitute the Agreement in its entirety between the Parties

regarding the governance and operation of the Charter School as a public charter school and the legal authorization for the establishment of the Charter School under ORS 338.035(2); and

WHEREAS the Oregon Deputy Superintendent of Public Instruction (“Deputy Superintendent”) or designee (as defined in Section 23.L. of this Charter) shall have authority and responsibility for the administration of this Agreement on behalf of the Board, consistent with the provisions of ORS Chapter 326 and ORS Chapter 338.

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual understandings, releases, covenants and exchange of promises herein described, the Parties agree as follows:

(The remainder of this page has been left blank intentionally. Agreement to follow.)

AGREEMENT

1. **Grant of Charter Agreement.** The Board is the sponsor of the Charter School and authorizes this Charter School, in accordance with ORS Chapter 338 and the terms and conditions of this Agreement, to operate a single public charter school.
2. **Establishment of Charter School.** The Parties agree that (1) ORS chapter 338, now or as amended, strictly apply to and are incorporated into this Agreement and shall supersede and control any conflicting language contained in this Agreement, including the Description of Educational Program (Exhibit A) except proposal for any waivers permitted and granted under ORS 338.025; (2) the provisions of this Agreement shall supersede and control any conflicting language contained in the Description of Educational Program; and (3) the provisions of ORS chapter 338, the Board resolutions and this Agreement supersede and control any prior understandings written or oral with the Board regarding Charter School.
3. **Compliance with Laws.** Charter School represents and warrants that this Agreement does not violate any existing agreements or contracts with third parties. Charter School represents and warrants that its articles and bylaws provide for the operation of a public charter school in a manner consistent with this Agreement. Charter School shall amend the articles and bylaws, if necessary, to comply with this Agreement or amendments to this Agreement. Charter School shall notify in writing the Deputy Superintendent or designee of any changes to its articles of incorporation or bylaws no later than 15 business days after making any such changes.
4. **Authority of the Charter School Board.** The Charter School shall constitute and maintain a governing board (“Charter Board”) that may exercise all power necessary to carry out the responsibilities of the Charter School’s compliance with applicable laws rules regulations, policies, procedures, the terms and conditions of this Agreement and the Description of Educational Program (Exhibit A). Subject to ORS 338.115 and other applicable law, Charter School’s powers shall include, but are not limited to, making all personnel decisions, including hiring, firing and discipline of teachers, supervisors and staff; making decisions to increase number of classrooms per grade level; contracting for goods and services necessary for the operation of Charter School; preparing a budget; procuring insurance and necessary bonds; acquiring facilities for school purposes; purchasing, leasing or renting furniture, equipment or supplies; retaining fees collected from students in accordance with law; organizing and carrying out fund-raising efforts; and accepting and expending gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Agreement.
5. **Use of Appropriate Policies.** In order to facilitate the most efficient and collaborative educational services for students and to maintain an effective relationship with the Board, Charter School shall:

- A. Adopt policies, rules and procedures as required by this Agreement and law;
 - B. Furnish to the Deputy Superintendent or designee copies of all written policies, rules and procedures it may adopt with respect to any matter relating to its operations and educational program; and
 - C. Within 30 calendar days of any change to the policies, rules and procedures submitted to the Deputy Superintendent in accordance with this Section 5, Charter School shall provide a copy of the revised policies, rules and procedures to the Deputy Superintendent or designee.
6. **Effective Date; Term; Renewal.** This Agreement shall legally authorize the continued operation of the Charter School, commencing July 1, 2023(the “Effective Date”) and expiring on June 30, 2033 (the “Expiration Date”). The process for renewal of this Agreement beyond the Expiration Date shall occur pursuant to ORS 338.065, as amended. In addition to any renewal criteria established by statute or administrative rule and applicable at the time the Charter School applies for renewal, the Board shall base the charter renewal decision on a good faith evaluation of whether the Charter School is (i) in compliance with ORS 338 and applicable state and federal laws; (ii) is in compliance with this Agreement; (iii) is meeting or working toward meeting student performance goals, including, but not limited to, the evaluation of student Academic Performance from the Charter School Performance Framework, (iv) is fiscally stable and using a sound financial management system as described in this Agreement and (v) is in compliance with the outcomes from the annual evaluations of the Charter School Performance Framework (Exhibit B).
7. **Contracting.**
- A. Any agreement or contract that Charter School enters into with a person or public body, as defined in ORS chapter 174, shall include a provision that any obligations incurred under such agreement or contract are solely the responsibility of Charter School. The Charter School further agrees that any legal or contractual obligations that it may incur in its operation under this Agreement are the sole responsibility of Charter School and are not the responsibility of ODE, the Board, or the State of Oregon.
 - B. Charter School shall include a report of all contracts over \$10,000.00, which are subject to procurement procedures under Oregon Public Contracting Law, entered into by Charter School in the annual report required in Section 14.A. The report shall include at a minimum the names of each vendor, amount of contract(s), scope of work, length of the contract(s), date of Charter Board’s approval, and status of current contract.
8. **Operational Powers.** Subject to the conditions and provisions of this Agreement , Charter School shall be solely responsible for Charter School’s operations and for the

actions of its agents, officers, and employees, as well as any subcontractors and the agents, officers, and employees thereof.

9. **Waiver of Laws.** Charter School may seek a waiver of laws from the Board according to the same process and decision-making criteria of the Board as all charter schools pursuant to ORS 338.025.
10. **Disclaimer.** Charter School shall not in oral and written communications indicate that it speaks or acts on behalf of the Board, Deputy Superintendent or ODE.
11. **Requests and Reports.**
 - A. Charter School shall provide any reports, formal or informal, written or oral requested in good faith and for a reasonable purpose by the Board, Deputy Superintendent or designee. The Board, Deputy Superintendent and the designee shall authorize Charter School at least 15 business days to comply with any requests for any reports.
 - B. Charter School shall, no less than monthly, report attendance data in writing to the Deputy Superintendent or designee in accordance with the requirements of the Deputy Superintendent.
12. **Ex Officio Participation.** Charter School shall permit ODE staff or designee of the Deputy Superintendent to attend and participate ex officio at all regular Charter Board meetings, except for executive sessions of the Charter Board as authorized in ORS 192.660. Charter School may invite ODE staff or designee of the Deputy Superintendent to attend executive sessions as appropriate or necessary.
13. **Education Program, Student Performance Standards, and Curriculum.** Charter School shall comply with all state laws and rules that apply to charter schools pertaining to educational programs, pupil performance standards and curriculum.
 - A. **Education Program and Curriculum.** Charter School shall implement the instructional programs as outlined in the Description of Education Program (Exhibit A). Charter School shall ensure that Charter School’s educational program is designed and implemented in a manner consistent with this Charter and ORS chapter 338, including, without limitation, requirements regarding content standards, pursuant to ORS 329.045.
 - B. **Student Performance.** Charter School shall make progress toward meeting or exceeding annual student academic performance expectations as described in Charter School Performance Framework (Exhibit B) including all standards required by the Every Student Succeeds Act (ESSA) and ensuing assessment requirements adopted by the Board, the United States Department of Education, or the Oregon Legislature to implement ESSA. The Board shall

consider Charter School comments on the Performance Framework when considering whether student performance expectations have been met.

- C. School Improvement Plans. If Charter School does not meet or exceed in a school year the indicators of student performance expectations in Section 13.B. above as compared to the prior school year, the Board may require Charter School to develop and submit a school improvement plan. Charter School designee may submit a draft school improvement plan to the Board designee for comment by the Board designee prior to submission to the Board.
- D. Required Instructional Time. Charter School shall annually adopt and implement a school calendar that establishes requirements for instructional time provided by a school during each day or during a year in accordance with ORS 338.115 and OAR 581-022-2320 that requires a minimum number of instructional hours annually. By October 15 of each year, Charter School shall report to ODE the percent of the total students scheduled to receive annually the minimum hours of instructional time as required by OAR 581-022-2320. Charter School shall calculate instruction time in accordance with standards established by the Board by rule, as amended from time to time.
- E. Records. Charter School shall comply with all applicable federal and state laws concerning the maintenance, retention, and disclosure of all operational records and of student records.
- F. Nondiscrimination Standards. The educational program of Charter School shall not violate ORS 659.850 and shall not discriminate against any student or staff on the basis of race, color, age, sex, national origin, marital status, religion, sexual orientation, gender identity, or disability.
- G. Enrollment Requirements.
 - (i) Enrollment shall be open to any eligible child who resides within the Portland School District boundaries. Additionally, enrollment shall be open to children not residing within the district in accordance with ORS 338.125.
 - (ii) Charter School shall not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability.
 - (iii) Charter School may conduct a weighted admission lottery in compliance with ORS 338.125(3)(a).
 - (iv) Charter School may give priority admission to students according to ORS 338.125(3)(c).
 - (v) Charter School may give priority admission to children of Charter School employees.

- (vi) Charter School must maintain an active enrollment of at least 25 students.
 - (vii) Active enrollment for purposes of this Agreement shall mean “active roll” as that term is defined and used in OAR 581-023-0006. The process of application, enrollment and admissions shall be governed by ORS 338.125.
 - (viii) For each school year between June 30, 2023 and July 1, 2033, enrollment shall be limited to grades K-8 with a maximum annual enrollment of 420 students.
- H. Student Registration. Charter School shall complete a student registration form, beginning, according to the Charter School calendar, on the first day of school of each school year and ending on the last day of school of each school year, for each student upon admittance to Charter School and update the form according to OAR 581-023-0006 when a student withdraws. Charter School shall mark a student as withdrawn from the active roll on the school day following withdrawal; provided that Charter School must mark a student as withdrawn from the active roll on the day following the tenth consecutive day of absence. Student enrollment shall be reported to the Deputy Superintendent or designee not later than September 15 of each year of this Charter.
- I. Education of Students under the Individuals with Disabilities Education Act (IDEA). Charter School will comply with state and federal law concerning IDEA and all IDEA policies of Portland Public School District applicable to students at the Charter School.
- J. Enrollment of Special Education Students. Charter School shall admit students without regard to their status as special education students. The students’ Individualized Education Program (IEP) team shall determine modifications and accommodations as necessary.

14. Evaluation of Student Performance and Annual Report.

- A. Charter School shall provide to the Deputy Superintendent or designee, and parents the annual written report required by ORS 338.095 on or before January 30 of each year of this Agreement , to include a report of progress on the plan to improve student performance. The format and contents of the annual report and the plan to improve student performance will be determined by and agreed upon by the Parties.
- B. Charter School shall administer all the State of Oregon assessments required for its students in accordance with ORS 329.485 and 338.115 and OAR 581-022-2100. Results of these assessments shall be made available to the parents of Charter School students and to the Deputy Superintendent or designee

within 30 calendar days of Charter School receipt of the results from the assessments.

- C. The Deputy Superintendent may designate, and shall bear the entire cost of, an external entity to evaluate the academic, operational, and financial success of the Charter School. The external evaluation shall be conducted within a mutually agreeable time period and in a manner as to not interfere unreasonably with the operation of the school or with performance of duties of Charter School staff. The Deputy Superintendent or designee will provide Charter School with notice of the scope of the evaluation and the Charter School will have 30 days to provide feedback on the scope. Charter School shall cooperate fully in such evaluation, including the provision of all requested data.
- D. Members of the Board and the Deputy Superintendent, or designee, may visit Charter School at any time during normal business hours for purposes of monitoring the progress of the implementation of this Agreement.
 - (i) Visits by the Deputy Superintendent, or designee may not interfere unreasonably with the operation of the Charter School or with performance of duties by Charter School staff, unless the visit is regarding issues of health and safety.
 - (ii) On a mutually agreed upon date, there shall be at least one annual on-site visit by the Board or the Board's designee to review compliance with the provisions of this Agreement and to review growth in student achievement.

15. Governance and Operation.

- A. Charter School shall operate in all respects, as a nonsectarian, nonreligious public charter school. Charter School shall not be affiliated with any nonpublic sectarian school or religious organization.
- B. If Charter School provides daily food service, Charter School shall ensure persons involved in providing the food service possess the appropriate food handlers' certification.
- C. Charter School shall maintain a policy and process for complaints that meets or exceeds the process required in OAR 581-022-2370, as amended from time to time. Charter School shall post the policy on the Charter School's website and provide a copy of the policy to all parents of students attending the Charter School each school year.
- D. Charter School shall ensure that all Charter Board members receive board and ethics training. The Charter Board shall use the Oregon Government Ethics

Commission training programs, or a comparable program approved by the Board. Each member of the Charter Board shall submit to ODE a signed acknowledgment of understanding provided by ODE and consistent with ORS 338.095(5) within 30 calendar days of the beginning of his or her term.

- E. Charter School shall not allow an individual to serve on the Charter School board of directors for whom a criminal records check consistent with ORS 326.607 has not been initiated or who has been convicted of an offense that would preclude that individual from volunteering in a public school in Oregon.
- F. Charter School shall provide written notice to the Board of any legal action or suit filed against Charter School, Charter Board, or their respective employees, members, or agents within 15 business days of notice of such action or suit.

16. Funding and Budget.

- A. In accordance with ORS 338.155, Charter School shall enter into an agreement with the Portland School District for funding equal to 90% for all Charter School students enrolled in kindergarten through eighth grade and 95% for all Charter School students enrolled in grades nine through twelve of the amount of Portland School District General Purpose Grant per ADMw as calculated under ORS 327.013. Charter School shall provide a copy of this agreement and any amendments to this agreement to the Deputy Superintendent or designee within 30 calendar days of the Effective Date of the agreement or amendment, unless the Parties agree to an extension, and by July 1 of each subsequent year during the term of this Agreement.
- B. Charter School shall operate on a July 1-June 30 fiscal year basis. On or before June 30 of each year of this Agreement, Charter School shall submit to the Deputy Superintendent or designee Charter School's budget for the upcoming fiscal year.
- C. It is the intent of the Board that Charter School receive a proportionate share of state, local and federal grant funding, to the extent that Charter School is entitled to such funding, complies with the conditions and requirements of such grants and applicable law, and fulfills the reporting requirements for such funding. Charter School's receipt of such federal and state resources or categorical aid shall be contingent on Charter School's compliance with federal and state statutes and regulations regarding entitlement to such resources. The Board will not interfere with, and this provision shall not be construed to limit, Charter School's ability to apply for grants available to charter schools and to retain the entire amount of such grants received less any administrative or other costs specifically permitted to be withheld from Charter School for such services provided to Charter School pursuant to state, federal or local law.

- D. Charter School shall act as its own fiscal agent; provided, however, the Board agrees to act as Charter School’s fiscal agent for the sole purpose of making payment, and providing access, to Oregon School Board Association services.

17. Financial Records and Annual Audit.

- A. Charter School shall establish, maintain, and retain appropriate financial records relating to Charter School for 7 years, or for such longer time as required by law, and to make such records available to the Deputy Superintendent within 7 business days upon written request.
- B. Charter School shall retain a certified public accountant to conduct an annual municipal audit of Charter School in accordance with State law requirements pursuant to ORS 338.115. Charter School shall submit the audit and all management letters (i.e. SAS-114 letter and SAS-115 letter) to the Deputy Superintendent or designee no later than December 31 of each year of this Charter. The audit shall be submitted to the Deputy Superintendent in accordance with the format of the State Chart of Accounts required of Oregon public school districts.
- C. Charter School shall provide quarterly written financial reports of Charter School to the Deputy Superintendent or designee that track expenditures for the fiscal year and shall be subject to a review of its operations and finances by the Deputy Superintendent or designee. Charter School shall adopt fiscal policies and procedures to maintain a sound financial management system that meets the requirements of OAR 581-026-0200.

18. Termination.

- A. The Board may terminate the Agreement for any grounds stated in ORS 338.105 including, but not limited to, the following:
 - (i) Charter School’s failure to meet the requirement of ORS chapter 338 except as provided in subparagraph (iii) below, provided, however, that any such failure shall be due to Charter School’s actions or inactions and not due to actions or inactions of the Board, Deputy Superintendent or designee, or of the actions or inactions of any school district contracting with Charter School.
 - (ii) Charter School’s failure to meet student performance standards as set forth in Section 13.B. and C.
 - (iii) Charter School’s failure to correct after notification by the Board, Deputy Superintendent or designee a violation of a federal or state law that is described in ORS 338.115.
 - (iv) Charter School’s failure to maintain insurance as described in Exhibit C.

- (v) Charter School’s failure to maintain financial stability or to meet generally accepted standards of fiscal management provided that Charter School has failed to follow a plan to correct deficiencies as described at ORS 338.105(2)(b).
 - (vi) Charter School’s insufficient enrollment of students below the minimum required by ORS 338.115.
 - (vii) Charter School’s endangering the health or safety of the students enrolled in Charter School.
- B. In accordance with ORS chapter 338, Charter School may only terminate the Agreement or close the school at the end of a semester and after notifying the Deputy Superintendent in accordance with Section 23.E of this Agreement at least 180 calendar days prior to the proposed effective date of the termination or closure. In the event Charter School should permanently cease operations for whatever reason, including the nonrenewal or revocation of this Charter:
- (i) Charter School shall inventory all assets and provide such inventory to the Board;
 - (ii) The assets purchased with public funds under this Agreement shall be given to the Board; and
 - (iii) All student education records shall be transferred to Portland School District as required by ORS 338.105.
- C. In executing the obligations and rights of termination under ORS chapter 338.105, the parties agree to first make a good faith attempt to resolve any dispute regarding the operation of the Agreement in the following manner:
- (i) The party with a concern regarding the other party’s compliance with the Agreement will notify the other party in writing of the concern.
 - (ii) The responding party shall submit a written response to the concern within thirty (30) days of the receipt of the same.
 - (iii) The termination provisions contained in ORS 338.105 may proceed if the parties are unable to agree in good faith to a resolution of the concern within thirty (30) days of the receipt of the response.
 - (iv) The time frames set forth in sections (ii) and (iii) of this paragraph may be extended by mutual agreement of the parties.
- D. The dispute resolution process set forth in this Section shall not be required prior to the exercise of any contractual right conferred upon either the Board or Charter School under this Agreement except the dispute resolution process shall be required for the contractual right of termination under Section 18A of this Agreement. The parties further agree the Board reserves the right, without exhausting the good-faith resolution process described in this Section,

to immediately invoke the health and safety termination provisions of ORS 338.105 with respect to this Agreement.

19. Employment Matters.

- A. Personnel. Charter School shall be the employer of persons on the staff at the Charter School. Charter School may also enter into contracts to provide services to the Charter School or to fulfill responsibilities of Charter School under this Agreement. Persons employed by the Charter School or contractors that provide services to the Charter School are not, and shall not be considered, employees of the State of Oregon. The State of Oregon, including the Board, Deputy Superintendent, and ODE, will not, and shall not have any obligation to, collectively bargain with Charter School employees, nor shall such employees be eligible for inclusion in any bargaining unit containing state employees. Charter School shall be solely responsible for initiating appropriate criminal background checks in accordance with Section 19.C. of this Agreement no later than the first day of instruction of each year of this Charter or prior to execution of any subcontract agreement. Charter School shall be solely responsible for any legal liability or claims resulting from or arising out of acts of Charter School staff.
- B. Staff Licensure and Registration. All of Charter School's teaching and administrative staff must possess a valid Oregon registration. Consistent with ORS 338.135, at least 50% of Charter School's full time equivalent of teachers and administrative staff must possess a valid Oregon teaching or administrative license. By the first instructional day of each year, Charter School shall submit to the Deputy Superintendent or designee a written list of all teachers and administrators employed by Charter School designating the licenses, endorsements, degrees, and qualifications of the same. Charter School shall provide the same information to the Deputy Superintendent or designee with respect to any new hire of a teacher or administrator by Charter School during the course of each year within 30 calendar days after such hire. All teaching and administrative staff must be licensed or registered prior to employment.
- C. Criminal Background Checks. Charter School shall comply with ORS 338.115 and ORS 326.603. No later than the first instructional day of each school year that Charter School operates as a public charter school under this Charter, Charter School shall provide to the Deputy Superintendent or designee a list containing the names and job positions of all its employees. Such a list shall also indicate for each new employee hired that year the date of initiation of the criminal background investigation required by Oregon law.
- D. Sexual Conduct. Charter School shall comply with ORS 339.370, 339.374, 339.378, 339.384, 339.388, 399.392, and 339.400.

- E. Child Abuse Training and Prevention. In accordance with ORS 339.370, 339.372, 339.375 and 339.377, Charter School shall establish and maintain a policy on the reporting of child abuse and shall provide training on the prevention and identification of child abuse to school employees and students. In addition, Charter School shall make the training available to Charter Board members, parents and legal guardians of students.
- F. Employee Records. Charter School shall establish and maintain personnel records for its employees in compliance with all applicable federal and state laws concerning the maintenance, retention and disclosure of employee records, including but not limited to, ORS 342.850(8) regarding disclosure of employees' personnel file. Charter School shall adopt rules and policies governing access to personnel files.
- G. Public Employees Retirement System (PERS). Charter School shall participate in PERS and shall make appropriate contributions consistent with the applicable PERS policies, procedures, and regulations.
- H. Unemployment. Charter School shall comply with ORS 657.505(7)(a) and will be responsible for unemployment benefits.

20. Insurance. Charter School shall at all times maintain and keep in force the insurance specified in Exhibit C.

21. Legal Liabilities and Indemnification.

- A. Charter School is a Separate Legal Entity. Charter School may sue or be sued as a separate legal entity apart from the Board, and the Board has no responsibility to indemnify Charter School in any fashion with respect to Charter School activities except as provided in this Agreement.
- B. Charter School's Indemnification Obligations. Subject to the Oregon Tort Claims Act (ORS 30.260 through 30.300), Charter School agrees to indemnify and hold harmless within the limits of and subject to the restrictions in the Tort Claims Act, the Board, ODE and the Deputy Superintendent and their agents and employees from all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from (1) the possession, occupancy or use of property of Charter School (including after school use of buildings by outside groups)its faculty, students, patrons, employees, guests, subcontractors or agents; (2) civil rights violations, including Section 504 of the Rehabilitation Act of 1973, provided, however, the Charter shall not be required to indemnify the Board, ODE and the Deputy Superintendent and their agents and employees for any such liability arising out of the wrongful acts of the Board, ODE and the Deputy Superintendent and their agents and employees. Charter School further agrees to indemnify and defend the Board and the State of Oregon and their respective officers,

employees, and agents against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature arising out of, or relating to, the acts or omissions of Charter School or its officers, employees, subcontractors or agents under this Agreement.

- C. Board's Indemnification Obligations. Subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300), the Board agrees to indemnify, and hold harmless within the limits of and subject to the restrictions in the Tort Claims Act, the Charter School against any liability for personal injury or damage to life or property arising from the Board's negligent activity under this Agreement provided, however, the Board shall not be required to indemnify the Charter School for any such liability arising out of the wrongful acts of Charter School, its officers, employees or agents. Notwithstanding those general limitations, the Board assumes no liability for any loss or injury, resulting from:
- (i) Any acts or omissions of Charter School, its Charter Board, trustees, agents, employees or volunteers;
 - (ii) Any use and occupancy of the building occupied by Charter School or any matter in connection with the condition of such building, except if the condition of such building is due to the action, inaction or negligence of the Board, ODE and the Deputy Superintendent and their agents and employees ; or
 - (iii) Any debt or contractual obligation incurred by Charter School.

22. School Location. Charter School shall be responsible for maintaining a facility located within the Portland School District boundaries for the operation of the Charter School. At all relevant times and during all operations under this Agreement, Charter School shall ensure that the location and use of the facility complies with all applicable local, state, and federal laws and regulations, including but not limited to those relating to accessibility and student safety. Charter School shall ensure it complies with all such applicable laws during the term of this Agreement. Charter School may operate a school or facility outside of the Portland School District boundaries if Portland School District agrees to the location. Charter School must provide written approval from Portland School District to the ODE and comply with the notice requirements of ORS 332.158 and OAR 581-026-0600 and all applicable local, state, and federal laws and regulations related to such school or facility, including but not limited to those relating to accessibility and student safety.

23. Dispute Resolution Mediation.

- A. If any dispute arises between the Board, Deputy Superintendent or designee and the Charter School concerning this Charter, including, without limitation, an allegation of any breach or default, the Parties may agree to mediation of the matter.

- B. At any time during the mediation process, or if the Parties are unable to reach an agreement through mediation, either Party may give notice to the other Party and to the mediator that it is terminating its participation in the mediation.
- C. If the Parties agree to mediate, the Parties shall share equally the fees and expenses of any mediator and each Party shall pay its own expenses incurred in any mediation.
- D. This Section does not apply to termination. Decisions related to termination are subject to the process in Section 18 and ORS Chapter 338.

24. General Provisions.

- A. **Entire Agreement.** This Agreement, with its Exhibits, contains the entire understandings of the Parties, and all prior representations, understandings, and discussions are merged herein and superseded and canceled by this Agreement .
- B. **Nonassignment.** The Parties may not assign any rights or benefits they are entitled to under this Agreement to any entity or individual. This does not limit the right of Charter School to enter into agreements to the full extent allowed under this Agreement and allowed to charter schools under Oregon law.
- C. **Amendment.** This Agreement may only be modified or amended by further written agreement executed by the Parties hereto.
- D. **Governing Law and Enforcement.** This Agreement will be governed and construed according to the laws and regulations of the State of Oregon, including those changed subsequent to the execution of this Agreement.
- E. **Notice.** Except as otherwise expressly provided in this Agreement, any communications between the Parties hereto or notices to be given hereunder must be given in writing by email, personal delivery, facsimile, or mailing the same, postage prepaid, to Charter School or ODE at the email address, postal address or telephone number set forth in this Agreement, or to such other addresses or numbers as either Party may indicate pursuant to this Section 24.E. Any communication or notice so addressed and mailed is effective five business days after mailing. Any communication or notice delivered by facsimile is effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective against ODE, any notice transmitted by facsimile must be confirmed by telephone notice to ODE's. Any communication or notice given by personal delivery is effective when actually delivered. Any notice given

by email is effective when the sender receives confirmation of delivery, either by return email, or by demonstrating through other technological means that the email has been delivered to the intended email address.

The Cottonwood School of Civics and Science: 0640 S Bancroft Street, Portland, OR 97239, amandamcadoo@thecottonwoodschool.org (or any updated email address of the Executive Director)

State Board of Education: 255 Capitol Street NE, Salem, OR 97310, Guadalupe.Martinez.Z@ode.state.or.us (or any updated email address of the State Board of Education Chair)

Oregon Department of Education, Director’s Office: 255 Capitol Street NE, Salem, OR 97310, colt.gill@ode.oregon.gov (or any updated email address of the Superintendent of Public Instruction)

- F. No Third Party Beneficiary. This Agreement shall not create any rights in any third parties who have not entered into this Agreement, nor shall any third party be entitled to enforce any rights or obligations that may be possessed by either Party to this Agreement
- G. Charter School Authority to Enter into Agreement . Charter School expressly affirms the signatories on its behalf who sign below have the authority to enter into this Agreement on behalf of Charter School and the Charter Board has duly approved this Agreement. Charter School shall provide a copy of its written resolution authorizing Charter School to enter into this Agreement.
- H. Severability. If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of this Agreement shall remain in effect, unless otherwise terminated by one or both of the Parties in accordance with the terms of this Agreement.
- I. This Agreement consists of the following documents, which are incorporated by this reference and listed in descending order of precedence:
 - (i) This Agreement less all exhibits
 - (ii) Exhibit B (Charter School Performance Framework)
 - (iii) Exhibit A (Description of Educational Program)
 - (iv) Exhibit C (Insurance)
- J. Execution in Counterparts. This Agreement may be executed and delivered in counterparts, each of which, when so executed and delivered, shall be effective.
- K. Delegation. The Parties agree and acknowledge the functions and powers of the Board may, at the discretion of the Board, be exercised by the Deputy

Superintendent or designee identified in this Agreement. The Parties agree and acknowledge the functions and powers of Charter School and Charter Board may be exercised by the chair of the Charter Board or the administrator of the Charter School. Each Party shall provide notice to the other Party in accordance with Section 23.E. of this Agreement of any change in the person's name and contact information for this delegation. Notwithstanding the above, any ultimate decision about renewal, non-renewal or termination of this Agreement may only be made by the Board.

- L. Deputy Superintendent's Designee. For purposes of this Agreement, and as referenced herein, the Deputy Superintendent's designee is:

Kate Pattison
Charter School Specialist
Oregon Department of Education
255 Capitol St NE, Salem, OR 97310
kate.pattison@ode.oregon.gov
503-580-5749 (cell)
503-378-5156 (fax)

(Signature page to follow.)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. The Parties further agree that by the exchange of this Agreement electronically, each has agreed to the use of electronic means, if applicable, instead of the exchange of physical documents and manual signatures. By inserting an electronic or manual signature below, each authorized representative acknowledges that it is their signature, that each intends to execute this Agreement, and that their electronic or manual signature should be given full force and effect to create a valid and legally binding agreement

STATE OF OREGON acting by and through its DEPARTMENT OF EDUCATION

XXXXX, Contracting Officer _____
Date

OREGON STATE BOARD OF EDUCATION

Signature _____
Date

Printed Name, Title

CHARTER SCHOOL

Signature _____
Date

Printed Name, Title

CHARTER BOARD

Signature _____
Date

Printed Name, Title

EXHIBIT A
DESCRIPTION OF EDUCATIONAL PROGRAM

The Cottonwood School of Civics and Science
Educational Program

The Cottonwood School of Civics and Science is a small, public charter school, serving kindergarten through eighth-grade students in the Portland area.

The mission of the Cottonwoods School is to promote place-based education. The guiding principles include knowing our history and our environment through long-term community partnerships, community service and field work. The Cottonwood School believes that healthy communities are created by engaged, informed, and compassionate citizens committed to service. Through service-learning, integrated curriculum, and experiential learning, the school provides opportunities to build relationships locally, learn from indigenous knowledge and build connections to the natural world. This process allows students to find real world connections and inspire them to be catalysts of change in their own lives and the lives of others.

There is an ethic that runs under place-based learning. As humans, we cannot love what we do not know. At the Cottonwood School we are trying to grow children into adults who care about the place where they live. To do that we must show them how their city works, what it needs to grow and thrive, and how to tackle problems in their community. To do this we must spend more time in both natural and cultivated areas. For the past 16 years the vision to look beyond classroom walls has remained true. With every curriculum or partnership project the mission remains at the center of the stages of planning.

Building strong community partnerships is at the core of the place-based approach. Over the past several years we have created lasting relationships with local organizations, agencies, and individuals. Through these partnerships, students have gained greater access to authentic curricular content, career knowledge, and audiences for their culminating projects. Students have also been able to provide services such as creating educational materials and collecting data for partners. Some of our strongest partnerships include Portland Parks and Recreation, Mirabella Retirement Community, Andersen Construction, the Portland Bureau of Environmental Services, and Tryon Creek State Park.

EXHIBIT B
CHARTER SCHOOL PERFORMANCE FRAMEWORK

State Board of Education
Public Charter School Performance Framework
And Annual Evaluation Report

The Cottonwood School of Civics and Science
2023-2033



Oregon Department of Education
255 Capitol St NE
Salem, OR 97310

Prepared by Kate Pattison
Charter School Specialist

Introduction

Across Oregon, public charter schools provide additional options for students and families. The State Board of Education is a public charter school authorizer, or “sponsor” in the state as an appellate governing body. If an application to establish a public charter school is denied by a local school district, the charter school developers may appeal the district decision to the State Board of Education. If the application is deemed to meet the criteria, it is possible for the charter school to be authorized by the State Board of Education. While the state provides oversight and support to its sponsored charters, each charter school has autonomy over its budget, hiring, and the development and implementation of its educational program.

The State Board of Education is responsible for maintaining high standards for its sponsored charter schools, and for ensuring that charter schools are not only compliant with all applicable laws, but that their academic programs are successful, they are financially viable, and their organizations are effective and responsibly managed. The State Board of Education is particularly interested in analyzing equity issues within public charter schools and may continue to refine the tools with which it uses to evaluate a public charter school’s effectiveness and quality.

In so doing, the State Board of Education has established the following performance framework, which is largely derived from the Core Performance Framework and Guidance developed by the National Association of Charter School Authorizers (NACSA). This performance framework is designed to measure each charter school’s academic, financial, and organizational performance, and to “...guide practice, assess progress, and inform decision-making over the course of the charter term and at renewal”.¹

Because each charter school’s story and perspective on its own performance are critical to a balanced evaluation process, each measure includes space for narrative explanation and/or further description from both the State Board and the charter school. It is our hope and goal that each charter school will fully engage in the process of program evaluation each year and at the renewal period, and that this process contributes to the continuous improvement of each State Board of Education public charter school.



Kate Pattison
Charter School Specialist
Oregon Department of Education

¹ From NACSA’s Core Performance Framework and Guidance.

Academic performance: data elements and sources

The purpose of the Academic Performance section of the Annual Report is to evaluate whether or not the charter school’s educational program is showing success with its students.

Many of the indicators for this section are adopted from the National Association of Charter School Authorizers’ “Core Performance Framework and Guidance”, while the performance targets and ratings are aligned with the targets and ratings in the Oregon Report Card.

The following data elements and sources are used to complete the Academic Performance analysis:

- The charter school’s Accountability Reports (e.g. Accountability Detail Sheet)
- The charter school’s agreement
- The charter school’s whole school growth and performance on standardized tests in ELA and MATH
- The charter school’s subgroup growth and performance on standardized tests in ELA and MATH
- The district’s Accountability Reports (for the district in which the charter school is located)
- Performance and growth information for comparison schools, as defined by the Oregon Department of Education
- The school’s graduation rate (where applicable)
- The district’s graduation rate (where applicable)
- The school’s completion rate (where applicable)
- The district’s completion rate (where applicable)
- The school’s non-graduate rate (where applicable)
- The district’s non-graduate rate (where applicable)
- The graduation, completion, and non-graduate rates of comparison schools, as defined by ODE (where applicable)
- The charter school’s alignment to Common Core State Standards as evidenced by course syllabi, course descriptions, curriculum alignments, etc. (where applicable)

Academic Performance

1. Student Academic Achievement

Measure 1a

How are Economically Disadvantaged students achieving on state assessments in ELA compared to the Economically Disadvantaged students in the district?
Exceeds expectations: <input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets expectations: <input type="checkbox"/> School’s average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet expectations: <input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below expectations: <input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1b How are Economically Disadvantaged students achieving on state assessments in MATH compared to the Economically Disadvantaged students in the district?
Exceeds expectations: <input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets expectations: <input type="checkbox"/> School’s average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet expectations: <input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below expectations:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments:

School comments:

Measure 1c

How are **English Learners** achieving on state assessments in ELA compared to the **English Learners** in the district?

Exceeds expectations:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets expectations:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet expectations:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below expectations:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments:

School comments:

Measure 1d

How are **English Learners** achieving on state assessments in MATH compared to the **English Learners** in the district?

<p>Exceeds expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.</p>
<p>Does not meet expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.</p>
<p>Falls far below expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 1e</p> <p>How are Students with Disabilities achieving on state assessments in ELA compared to the Students with Disabilities in the district?</p>
<p>Exceeds expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.</p>
<p>Does not meet expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.</p>
<p>Falls far below expectations:</p> <p><input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance</p>

of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1f How are Students with Disabilities achieving on state assessments in MATH compared to the Students with Disabilities in the district?
Exceeds expectations: <input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets expectations: <input type="checkbox"/> School’s average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet expectations: <input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below expectations: <input type="checkbox"/> School’s average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1g How are Students of Underserved Races/Ethnicities achieving on state assessments in ELA compared to the Students of Underserved Races/Ethnicities in the district?
Exceeds expectations: <input type="checkbox"/> School’s average subgroup achievement rate exceeds the average district performance of

students in the same subgroup in the same grades by at least 10%.
Meets expectations: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet expectations: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below expectations: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1h How are Students of Underserved Races/Ethnicities achieving on state assessments in MATH compared to the Students of Underserved Races/Ethnicities in the district?
Exceeds expectations: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets expectations: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet expectations: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below expectations: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments:
School comments:

2. Student Academic Growth

Measure 2a Are All students making expected annual academic growth in ELA compared to their peers? (3-year Combined Median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 2b Are students making expected annual academic growth in MATH compared to their peers? (3-year Combined Median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.

Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

3. Subgroup Growth

Measure 3a Is the school increasing academic performance in ELA over time for Economically Disadvantaged students? (3-year Combined Median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 3b Is the school increasing academic performance in MATH over time for Economically Disadvantaged students? (3-year Combined Median Growth Percentile)

Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 3c Is the school increasing academic performance in ELA over time for English Learner students? (3-year Combined median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 3d

Is the school increasing academic performance in MATH over time for **English Learner** students? (3-year Combined median Growth Percentile)

Exceeds expectations:

Combined median growth percentile of 60 or more.

Meets expectations:

Combined median growth percentile of between 45 and 59.5.

Does not meet expectations:

Combined median growth percentile of between 40 and 44.5.

Falls far below expectations:

Combined median growth percentile of lower than 40.

State Board of Education comments:

School comments:

Measure 3e

Is the school increasing academic performance in ELA over time for **Students with Disabilities?** (3-year Combined Median Growth Percentile)

Exceeds expectations:

Combined median growth percentile of 60 or more.

Meets expectations:

Combined median growth percentile of between 45 and 59.5.

Does not meet expectations:

Combined median growth percentile of between 40 and 44.5.

Falls far below expectations:

Combined median growth percentile of lower than 40.

State Board of Education comments:
School comments:

Measure 3f Is the school increasing academic performance in MATH over time for Students with Disabilities? (3-year Combined Median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations: <input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations: <input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 3g Is the school increasing academic performance in ELA over time for students of Underserved Races/Ethnicities? (3-year Combined Median Growth Percentile)
Exceeds expectations: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations: <input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations:

<input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations:
<input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

Measure 3h
Is the school increasing academic performance in MATH over time for students of Underserved Races/Ethnicities? (3-year Combined Median Growth Percentile)
Exceeds expectations:
<input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets expectations:
<input type="checkbox"/> Combined median growth percentile of between 45 and 59.5.
Does not meet expectations:
<input type="checkbox"/> Combined median growth percentile of between 40 and 44.5.
Falls far below expectations:
<input type="checkbox"/> Combined median growth percentile of lower than 40.
State Board of Education comments:
School comments:

4. Alignment of Curriculum to Common Core State Standards

Measure 4a
Is the school aligning curriculum to Common Core State Standards?
Meets expectations:
<input type="checkbox"/> School is offering all required core subjects and has aligned all classes in core subjects to

Common Core State Standards and has articulated this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
<p>Does not meet expectations:</p> <input type="checkbox"/> School is offering all required core subjects but has not fully aligned all classes in core subjects to Common Core State Standards, and/or has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
<p>Falls far below expectations:</p> <input type="checkbox"/> School is not offering all required core subjects and/or has not aligned all classes in core subjects to Common Core State Standards, and has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
State Board of Education comments:
School comments:

5. Graduation and post-secondary readiness (high schools only)

<p>Measure 5a</p> <p>What percentage of students is graduating within four years of entering high school as compared to other schools in the district?</p>
<p>Exceeds expectations:</p> <input type="checkbox"/> School’s average graduation rate exceeds the average district graduation rate by at least 10%.
<p>Meets expectations:</p> <input type="checkbox"/> School’s average graduation rate meets or exceeds the average district graduation rate by up to 10%.
<p>Does not meet expectations:</p> <input type="checkbox"/> School’s average graduation rate is less than the average district graduation rate by 1-10%.
<p>Falls far below expectations:</p> <input type="checkbox"/> School’s average graduation rate is less than the average district graduation rate by 10% or more.
State Board of Education comments:

School comments:

Measure 5b

What percentage of students is graduating within four years of entering high school as compared to their peers in like schools?

Exceeds expectations:

School's average graduation rate exceeds the average graduation rate of their peers in like schools by at least 10%.

Meets expectations:

School's average graduation rate meets or exceeds the average graduation rate of their peers in like schools by up to 10%.

Does not meet expectations:

School's average graduation rate is less than the average graduation rate of their peers in like schools by 1-10%.

Falls far below expectations:

School's average graduation rate is less than the average graduation rate of their peers in like schools by 10% or more.

State Board of Education comments:

School comments:

Measure 5c

What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to other schools in the district?

Exceeds expectations:

School's average completion rate exceeds the average district completion rate by at least 10%.

<p>Meets expectations:</p> <p><input type="checkbox"/> School's average completion rate meets or exceeds the average district completion rate by up to 10%.</p>
<p>Does not meet expectations:</p> <p><input type="checkbox"/> School's average completion rate is less than the average district completion rate by 1-10%.</p>
<p>Falls far below expectations:</p> <p><input type="checkbox"/> School's average completion rate is less than the average district completion rate by 10% or more.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 5d</p> <p>What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to their peers in like schools?</p>
<p>Exceeds expectations:</p> <p><input type="checkbox"/> School's average completion rate exceeds the average completion rate of their peers in like schools by at least 10%.</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> School's average completion rate meets or exceeds the average completion rate of their peers in like schools by up to 10%.</p>
<p>Does not meet expectations:</p> <p><input type="checkbox"/> School's average completion rate is less than the average completion rate of their peers in like schools by 1-10%.</p>
<p>Falls far below expectations:</p> <p><input type="checkbox"/> School's average completion rate is less than the average completion rate of their peers in like schools by 10% or more.</p>
<p>State Board of Education comments:</p>

School comments:

Measure 5a
Measure 5f
What percentage of students did not graduate during the school year and did not re-enroll as compared to their peers in like schools?
Exceeds expectations: <input type="checkbox"/> School's average non-graduate is less than the average district non-graduate by 4% or more. <input type="checkbox"/> School's average non-graduate is less than the average non-graduate of their peers in like schools by 4% or more.
Meets expectations: <input type="checkbox"/> School's average non-graduate meets or is less than the average district non-graduate by up to 4%. <input type="checkbox"/> School's average non-graduate meets or is less than the average non-graduate of their peers in like schools by up to 4%.
Does not meet expectations: <input type="checkbox"/> School's average non-graduate exceeds the average district non-graduate by 1-4%. <input type="checkbox"/> School's average non-graduate exceeds the average non-graduate of their peers in like schools by 1-4%.
Falls far below expectations: <input type="checkbox"/> School's average non-graduate exceeds the average district non-graduate by 4% or more.
State Board of Education comments: <input type="checkbox"/> School's average non-graduate exceeds the average non-graduate of their peers in like schools by 4% or more.
School comments: State Board of Education comments:
School comments:

COMMENDATIONS: ACADEMIC PERFORMANCE

1.

RECOMMENDATIONS: ACADEMIC PERFORMANCE

1.

Financial Performance: data elements and sources

The purpose of the Financial Performance section of the Annual Report is to evaluate whether or not the charter school is financially viable.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers’ “Core Performance Framework and Guidance”.

The following data elements and sources are used to complete the Financial Performance analysis:

- The charter school’s agreement
- The charter school’s audited balance sheet and notes for the last three years
- The charter school’s projected enrollment and actual enrollment
- The charter school’s board-adopted budget
- The charter school’s audited income statement and audited cash flow statement
- Annual principal and interest obligations
- Quarterly financial statements, including budget-to-actuals, profit and loss, balance sheet

Financial Performance

6. Near-Term Measures

<p>Measure 7a</p> <p>Current ratio: Current assets divided by current liabilities.</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> Current ratio is greater than or equal to 1.1.</p>
<p>Does not meet expectations:</p> <p><input type="checkbox"/> Current ratio is between .9 and 1.0 or equals 1.0.</p>
<p>Falls far below expectations:</p> <p><input type="checkbox"/> Current ratio is less than or equal to .9.</p>

State Board of Education comments:
School comments:

Measure 7b Unrestricted days cash: Unrestricted cash divided by (total expenses minus depreciation expense/365).
Meets expectations: <input type="checkbox"/> 60 days cash
Does not meet expectations: <input type="checkbox"/> Days cash is between 15 and 30 days
Falls far below expectations: <input type="checkbox"/> Fewer than 15 days cash
State Board of Education comments:
School comments:

Measure 7c Enrollment variance: actual enrollment divided by enrollment projection in charter school board-approved budget.
Meets expectations: <input type="checkbox"/> Enrollment variance equals or exceeds 95% in the most recent year.
Does not meet expectations: <input type="checkbox"/> Enrollment variance is between 85-95% in the most recent year.
Falls far below expectations: <input type="checkbox"/> Enrollment variance is less than 85% in the most recent year.

State Board of Education comments:
School comments:

Measure 7d Default
Meets expectations: <input type="checkbox"/> School is not in default of loan covenant(s) and/or is not delinquent with debt service payments.
Falls far below expectations: <input type="checkbox"/> School is in default of loan covenant(s) and/or is delinquent with debt service payments.
State Board of Education comments:
School comments:

7. Sustainability Measures

Measure 8a Total Margin: Net income divided by total revenue. Aggregated total margin: Total 3-year net income divided by total 3-year revenues.
Meets expectations: <input type="checkbox"/> Aggregated 3-year total margin is positive and the most recent year total margin is positive.
Does not meet expectations: <input type="checkbox"/> Aggregated 3-year total margin is greater than -1.5%, but trend does not “meet standard” (above).
Falls far below expectations: <input type="checkbox"/> Aggregated three-year total margin is less than or equal to -1.5% and the most recent year total margin is less than -10%.

State Board of Education comments:
School comments:

Measure 8b Debt to asset ratio: Total liabilities divided by total assets.
Meets expectations: <input type="checkbox"/> Debt-to-asset ratio is less than .9.
Does not meet expectations: <input type="checkbox"/> Debt-to-asset ratio is between .9 and 1.0.
Falls far below expectations: <input type="checkbox"/> Debt-to-asset ratio is greater than 1.0.
State Board of Education comments:
School comments:

Measure 8c Cash flow: Multi-year cash flow = Year 3 total cash - Year 1 total cash. One-year cash flow: Year 2 total cash - Year 1 total cash.
Meets expectations: <input type="checkbox"/> Multi-year cumulative cash flow is positive and cash flow is positive each year.
Does not meet expectations: <input type="checkbox"/> Multi-year cumulative cash flow is positive, but trend does not “meet standard” (above).
Falls far below expectations: <input type="checkbox"/> Multi-year cumulative cash flow is negative.

State Board of Education comments:
School comments:

Measure 8d Debt service coverage ratio: (net income + depreciation + interest expense) / (annual principal, interest, and lease payments).
Meets expectations: <input type="checkbox"/> Debt service coverage ratio is equal to or exceeds 1.1.
Does not meet expectations : <input type="checkbox"/> Debt service coverage ratio is less than 1.1.
State Board of Education comments:
School comments:

Measure 8e Is the school meeting financial reporting and compliance requirements?
Meets expectations: <input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter agreement relating to financial reporting requirements, including, but not limited to: <ul style="list-style-type: none">• Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit.• All other reporting requirements related to the use of public funds.
Does not meet expectations: <input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to financial reporting requirements, including, but not limited to:

<ul style="list-style-type: none"> ● Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit. ● All other reporting requirements related to the use of public funds.
State Board of Education comments:
School comments:

Measure 8f Is the school following Generally Accepted Accounting Principles (GAAP)?
<p>Meets expectations:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:</p> <ul style="list-style-type: none"> ● An unqualified audit opinion ● An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses ● An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report
<p>Does not meet expectations:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:</p> <ul style="list-style-type: none"> ● An qualified audit opinion ● An audit containing significant findings or conditions, material weaknesses, or significant internal control weaknesses ● An audit that included a going concern disclosure in the notes or an explanatory paragraph within the audit report
State Board of Education comments:
School comments:

COMMENDATIONS: FINANCIAL PERFORMANCE

1.

RECOMMENDATIONS: FINANCIAL PERFORMANCE

1.

Organizational Performance: data elements and sources

The purpose of the Organizational Performance section of the Annual Evaluation is to evaluate whether or not the charter school as an organization is effectively governed and well run.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance".

The following data elements and sources are used to complete the Organizational Performance analysis:

- Site visit observations (both formal and informal)
- The charter school's agreement
- Required reporting by the charter school, including all deliverables
- The school's adherence to deliverable and reporting due dates
- Feedback from parents, students, charter school staff, and other community stakeholders
- Student accounting reports
- The charter school's internal accountability systems
- Student enrollment forms
- The charter school's adopted board policies
- The charter school's parent/student/staff handbooks
- TSPC
- Assurances by the charter school and governing board that it is compliant with all applicable requirements

Organizational Performance

8. Education Program

Measure 10a

Is the school implementing the material terms of the education program as defined in the current agreement?
Meets expectations: <input type="checkbox"/> The school implemented the material terms of the education program in all material aspects and the education program in operation reflects the material terms as defined in the agreement, or the school has gained approval for a modification to the material terms.
Does not meet expectations: <input type="checkbox"/> The school failed to implement the material terms of the education program in all material aspects and the education program in operation does not reflect the material terms as defined in the agreement, or the schools implemented a modification to the material terms without approval and/or a mutually agreeable amendment to the agreement.
State Board of Education comments:
School comments:

Measure 10b
Is the school complying with applicable education requirements?
Meets expectations: <input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to education requirements, including, but not limited to: <ul style="list-style-type: none">● Instructional days and/or minutes requirements● Graduation and promotion requirements● Content standards, including Common Core State Standards● The administration of state assessments● Implementation of mandated programming as a result of state or federal funding
Does not meet expectations: <input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to education requirements, including, but not limited to: <ul style="list-style-type: none">● Instructional days and/or minutes requirements● Graduation and promotion requirements● Content standards, including Common Core State Standards● The administration of state assessments

<ul style="list-style-type: none">● Implementation of mandated programming as a result of state or federal funding
State Board of Education comments:
School comments:

Measure 10c
Is the school protecting the rights of students with disabilities?
Meets expectations: <input type="checkbox"/> Consistent with the school’s status as a school in a district LEA, the school materially complies with applicable laws, rules, regulations, and provisions of the agreement (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to: <ul style="list-style-type: none">● Equitable access and opportunity to enroll● Identification and referral● Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans● Operational compliance, including appropriate inclusion in the school’s academic program, assessments, and extracurricular activities.● Discipline, including due process protections, manifestation determinations, and behavioral intervention plans● Access to the school’s facility and program to students in a lawful manner and consistent with students’ IEPs or 504 plans
Does not meet expectations: <input type="checkbox"/> Consistent with the school’s status as a school in a district LEA, the school was materially out of compliance with one or more applicable laws, rules, regulations, and provisions of the agreement (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to: <ul style="list-style-type: none">● Equitable access and opportunity to enroll● Identification and referral● Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans● Operational compliance, including appropriate inclusion in the school’s

<p>academic program, assessments, and extracurricular activities.</p> <ul style="list-style-type: none">● Discipline, including due process protections, manifestation determinations, and behavioral intervention plans● Access to the school’s facility and program to students in a lawful manner and consistent with students’ IEPs or 504 plans
State Board of Education comments:
School comments:

<p>Measure 10d</p> <p>Is the school protecting the rights of English Language Learner students?</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:</p> <ul style="list-style-type: none">● Equitable access and opportunity to enroll● Development and implementation of required plans related to the service of ELL students● Proper steps for identification of students in need of ELL services● Appropriate and equitable delivery of services to identified students● Appropriate accommodations on assessments● Exiting of students from ELL services● Ongoing monitoring of exited students
<p>Does not meet expectations:</p> <p><input type="checkbox"/> The school failed to comply with one or more applicable laws, rules, regulations, and/or provisions of the agreement (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:</p> <ul style="list-style-type: none">● Equitable access and opportunity to enroll● Development and implementation of required plans related to the service of ELL students● Proper steps for identification of students in need of ELL services● Appropriate and equitable delivery of services to identified students● Appropriate accommodations on assessments● Exiting of students from ELL services

<ul style="list-style-type: none">● Ongoing monitoring of exited students
State Board of Education comments:
School comments:

9. Governance and Reporting

Measure 11a

Is the school complying with applicable governance requirements?

Meets expectations:

The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

Does not meet expectations:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

State Board of Education comments:

School comments:

Measure 11b

Is the school holding its administration accountable?

Meets expectations:

The school materially complies with applicable laws, rules, regulations, provisions of the agreement, and its own internal policies and practices relating to oversight of school administration, including, but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement
- The board conducting an annual evaluation of the administrator’s performance

Does not meet expectation:

The school was materially out of compliance with applicable laws, rules, regulations, provisions of the agreement, and its own internal policies and practices relating to oversight of school administration, including, but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement
- The board conducting an annual evaluation of the administrator’s performance

State Board of Education comments:

School comments:

Measure 11c

Is the school complying with reporting requirements?

Meets expectations:

The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:

- Accountability planning and performance
- Attendance and enrollment reporting
- Compliance with the agreement and all applicable laws
- Timely submission of all deliverables
- Additional information as requested by the district

Does not meet expectations:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to relevant reporting requirements to the

<p>district, and the Oregon Department of Education, including, but not limited to:</p> <ul style="list-style-type: none"> ● Accountability planning and performance ● Attendance and enrollment reporting ● Compliance with the agreement and all applicable laws ● Timely submission of all deliverables ● Additional information as requested by the district
<p>State Board of Education comments:</p>
<p>School comments:</p>

10. Students and Employees

<p>Measure 12a</p> <p>Is the school protecting the rights of all students?</p>
<p><i>Meets expectations:</i></p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to the rights of students, including, but not limited to:</p> <ul style="list-style-type: none"> ● Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment) ● The collection and protection of student information ● Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction ● Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)
<p><i>Does not meet expectations:</i></p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the agreement relating to the rights of students, including, but not limited to:</p> <ul style="list-style-type: none"> ● Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment) ● The collection and protection of student information ● Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction ● Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)

State Board of Education comments:
School comments:

Measure 12b
Is the school meeting teacher and other staff credentialing requirements?
Meets expectations:
<input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and background check and fingerprinting requirements for all staff and volunteers.
Does not meet expectations:
<input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the agreement relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and/or background check and fingerprinting requirements for all staff and volunteers.
State Board of Education comments:
School comments:

11. School Environment

Measure 13a
Is the school complying with facilities and transportation requirements?
Meets expectations:
<input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to the school facilities, grounds, and transportation, including, but not limited to:
<ul style="list-style-type: none">● Americans with Disabilities Act● Fire inspections and related records● Viable certificate of occupancy or other required building use authorization

<ul style="list-style-type: none">● Documentation of requisite insurance coverage● Student transportation
<p>Does not meet expectations:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the agreement relating to the school facilities, grounds, and transportation, including, but not limited to:</p> <ul style="list-style-type: none">● Americans with Disabilities Act● Fire inspections and related records● Viable certificate of occupancy or other required building use authorization● Documentation of requisite insurance coverage● Student transportation
State Board of Education comments:
School comments:

<p>Measure 13b</p> <p>Is the school complying with health and safety requirements?</p>
<p>Meets expectations:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to safety and the provision of health-related services, including, but not limited to:</p> <ul style="list-style-type: none">● Appropriate nursing services and dispensing of pharmaceuticals● Food service requirements
<p>Does not meet expectations:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the agreement relating to safety and the provision of health-related services, including, but not limited to:</p> <ul style="list-style-type: none">● Appropriate nursing services and dispensing of pharmaceuticals● Food service requirements
State Board of Education comments:
School comments:

Measure 13c

Is the school handling information appropriately?

Meets expectations:

The school materially complies with applicable laws, rules, regulations, and provisions of the agreement relating to the handling of information, including, but not limited to:

- Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities
- Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities
- Transferring of student records
- Proper and secure maintenance of testing materials

Does not meet expectations:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the agreement relating to the handling of information, including, but not limited to:

- Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities
- Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities
- Transferring of student records
- Proper and secure maintenance of testing materials

State Board of Education comments:

School comments:

12. Additional Obligations

Measure 14a

Is the school complying with all other obligations?

Meets expectations:

The school materially complies with all other applicable legal, statutory, regulatory, or contractual requirements contained in the agreement that are not otherwise explicitly stated herein, including, but not limited to requirements from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

Does not meet expectations:

The school was materially out of compliance with applicable legal, statutory, regulatory, or contractual requirements contained in the agreement that are not otherwise explicitly stated herein, including, but not limited to requirement from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

State Board of Education comments:

School comments:

COMMENDATIONS: ORGANIZATIONAL PERFORMANCE

1.

RECOMMENDATIONS: ORGANIZATIONAL PERFORMANCE

1.

EXHIBIT C INSURANCE REQUIREMENTS

Charter School shall obtain at Charter School's expense the insurance specified in this Exhibit C prior to performing under this Charter and shall maintain it in full force and at its own expense throughout the duration of this Charter, as required by any extended reporting period or tail coverage requirements, and all warranty periods that apply. Charter School shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to ODE. All coverage shall be primary and non-contributory with any other insurance and self-insurance, with the exception of Professional Liability and Workers' Compensation. Charter School shall pay for all deductibles, self-insured retention and self-insurance, if any.

If Charter School maintains broader coverage and/or higher limits than the minimums shown in this Insurance Requirement Exhibit, ODE requires and shall be entitled to the broader coverage and/or higher limits maintained by Charter School.

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

All employers, including Charter School, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Charter School shall require and ensure that each of its contractors complies with these requirements.

If Charter School is a subject employer, as defined in ORS 656.023, Charter School shall also obtain employers' liability insurance coverage with limits not less than \$500,000 each occurrence. If Charter School is an employer subject to any other state's workers' compensation law, Charter School shall provide workers' compensation insurance coverage for its employees as required by applicable workers' compensation laws including employers' liability insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state contractors complies with these requirements.

COMMERCIAL GENERAL LIABILITY:

Charter School shall provide Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State of Oregon. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this Agreement, and have no limitation of coverage to designated premises, project or operation. Coverage must be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$2,000,000 annual aggregate limit..

AUTOMOBILE LIABILITY INSURANCE:

Charter School shall provide Automobile Liability Insurance covering Charter School's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

PROFESSIONAL LIABILITY:

Charter School shall provide Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Agreement by the Charter School and Charter School's contractors, agents, officers or employees in an amount not less than \$1,000,000 per claim and not less than \$2,000,000 annual aggregate limit.

If coverage is on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or the Charter School shall provide Continuous Claims Made Coverage as stated below.

NETWORK SECURITY AND PRIVACY LIABILITY:

Charter School shall provide Network Security and Privacy Liability insurance for the duration of the Agreement and for the period of time in which Charter School (or its Business Associates or contractor(s)) maintains, possesses, stores, or has access to ODE or client data, whichever is longer, with a combined single limit of not less than \$1,000,000 per claim or incident. This insurance shall include coverage for third party claims and for losses, thefts, unauthorized disclosures, access or use of ODE or client data (which may include, but is not limited to, Personally Identifiable Information ("PII"), Payment Card Data and Protected Health Information ("PHI") in any format, including coverage for accidental loss, theft, unauthorized disclosure access or use of ODE data.

DIRECTORS, OFFICERS AND ORGANIZATION LIABILITY:

Charter School shall provide Directors, Officers and Organization Insurance covering the Charter School's Organization, Directors, Officers, and Trustees actual or alleged errors, omissions, negligent, or wrongful acts, including improper governance, employment practices and financial oversight - including improper oversight and/or use of use of funds and donor contributions - with a combined single limit of no less than \$1,000,000 per claim.

PHYSICAL ABUSE AND MOLESTATION INSURANCE COVERAGE:

Charter School shall provide Abuse and Molestation Insurance in a form and with coverage that are satisfactory to the State of Oregon covering damages arising out of actual, perceived, or threatened physical abuse, mental injury, sexual molestation, negligent: hiring,

employment, supervision, training, investigation, reporting to proper authorities, and retention of any person for whom the Charter School is responsible including but not limited to Charter School and Charter School’s employees and volunteers. Policy endorsement’s definition of an insured shall include the Charter School, and the Charter School’s employees and volunteers. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$3,000,000 annual aggregate. Coverage can be provided by a separate policy or as an endorsement to the commercial general liability or professional liability policies. The limits shall be exclusive to this required coverage. Incidents related to or arising out of physical abuse, mental injury, or sexual molestation, whether committed by one or more individuals, and irrespective of the number of incidents or injuries or the time-period or area over which the incidents or injuries occur, shall be treated as a separate occurrence for each victim. Coverage shall include the cost of defense and the cost of defense shall be provided outside the coverage limit.

PROPERTY INSURANCE:

Property Insurance shall be required on all Charter School owned buildings, leased property, personal property, and equipment. The insurance shall provide coverage against all risks of loss, including flood and earthquake, at full replacement cost and at least sufficient with respect to the face amount of the policy. Coverage shall include extra expense coverage for additional reasonable and necessary costs incurred by Charter School in excess of normal expenses to continue operations while the property, including the building, betterments and improvements, and contents are being replaced or repaired as a result from physical loss, damage or destruction by a covered cause of loss.

If Charter School leases premises, Charter School or the owner shall provide the same all-risk coverage. If Charter School leases personal property with public funds, Charter School shall provide the same all-risk coverage.

EXCESS/UMBRELLA INSURANCE:

A combination of primary and excess/umbrella insurance may be used to meet the required limits of insurance. When used, all of the primary and umbrella or excess policies shall provide all of the insurance coverages herein required, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The umbrella or excess policies shall be provided on a true “following form” or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Charter School’s primary and excess liability policies are exhausted.

If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance.

ADDITIONAL INSURED:

All liability insurance, except for Workers' Compensation, Professional Liability, and Network Security and Privacy Liability (if applicable), required under this Agreement must include an additional insured endorsement specifying the State of Oregon, its officers, employees and agents as Additional Insureds, but only with respect to Charter School's operation and activities performed under this Agreement. Coverage shall be primary and non-contributory with any other activities to be performed under this Agreement.

Regarding Additional Insured status under the General Liability policy, the State of Oregon requires additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Charter School's activities to be performed under this Agreement. The Additional Insured endorsement with respect to liability arising out of Charter School's ongoing operations must be on or at least as broad as ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on or at least as broad as ISO form CG 20 37.

WAIVER OF SUBROGATION:

Charter School shall waive rights of subrogation which Charter School or any insurer of Charter School may acquire against ODE or State of Oregon by virtue of the payment of any loss. Charter School will obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not ODE has received a waiver of subrogation endorsement from the Charter School or the Charter School's insurer(s).

CONTINUOUS CLAIMS MADE COVERAGE:

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Charter School shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of the Agreement, for a minimum of 24 months following the later of:

- i. Charter School 's completion and ODE's acceptance of all requirements under the Agreement, or
- ii. ODE's or Charter School's termination of this Agreement, or
- iii. The expiration of all warranty periods, if applicable, provided under this Agreement.

CERTIFICATE(S) AND PROOF OF INSURANCE:

Charter School shall provide to ODE Certificate(s) of Insurance for all required insurance before performing under this Agreement. The Certificate(s) shall list the State of Oregon, its officers, employees and agents as a Certificate holder and as an endorsed Additional Insured. The Certificate(s) shall also include all required endorsements or copies of the applicable policy language effecting coverage required by this Agreement. If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance. As proof of insurance ODE has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Agreement.

NOTICE OF CHANGE OR CANCELLATION:

The Charter School or its insurer must provide at least 30 calendar day's written notice to ODE before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW:

Charter School agrees to periodic review of insurance requirements by ODE under this Agreement and to provide updated requirements as mutually agreed upon by Charter School and ODE.

STATE ACCEPTANCE:

All insurance providers are subject to ODE acceptance. If requested by ODE, Charter School shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to ODE's representatives responsible for verification of the insurance coverages required under this Exhibit C.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.A.

<p>SUBJECT: Fingerprint-Based Background Checks, OARS 581-021,0511, 581-021-0512, 581-045-0586, and 581-045-0587</p> <p>STAFF NAME & OFFICE: Brock Dittus & Shonna Bumgarner, Pupil Transportation & Fingerprinting</p> <p>Current rules have different processes for notification of ineligibility and/or hearings; the proposed changes standardize the process for those required to have ODE clearance and remove appeal rights for those not required to have ODE clearance. Other technical fixes are included in the proposed language.</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

Oregon law requires all subject individuals (all school district employees and contracted employees with unsupervised access to children) in public schools to clear a fingerprinting background check. The Oregon Department of Education conducts fingerprinting-based background checks for all classified school employees (including contracted employees) under statutory authority of ORS 326.603. ODE also offers background clearance services for public school volunteers, and private school employees & volunteers, but this is not required by law.

ODE offers an appeal process to dispute the findings of a fingerprint-based criminal history check. A hearing offered through the department gives the appellant a chance to provide evidence that their criminal record does not prevent them from involvement in a school under law by presenting evidence contrary to the department's findings, often if an expungement process has already been initiated by the appellant to remove previous charges.

Upon recent review, ODE's staff determined that some parts of rule entailing the department's process were not aligned with their statutory authority. For employees and contractors, statute requires ODE to establish an appeal process to challenge a determination by the Department that the subject individual knowingly made a false statement. ORS 326.603. An appeal process is currently offered to public school employees, who are required to be fingerprinted. However, no appeal process is offered to private school employees, which the proposed rule changes would correct. Public and private school volunteers are not required to be fingerprinted under statute, and the statute does not direct ODE to establish an appeal process. ORS 326.607. The administrative rules implementing that statute, however, include an appeal process for both public and private school volunteers.

The following table illustrates the statutory requirements, appeals offered under current administrative rules, and proposed changes to bring the rules into alignment with statute:

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.A.

	Employment – Public School	Employment – Private School	Volunteer – Public School	Volunteer – Private School
Rule and Statute	OAR 581-021-0511 ORS 326.603	OAR 581-045-0586 ORS 326.603	OAR 581-021-0512 ORS 326.607	OAR 581-045-0587 ORS 326.607
Is the individual required to be fingerprinted by ODE?	Yes	No	No	No
Is an appeal right required by statute?	Yes	Yes	No	No
Does the administrative rule currently offer an appeal right?	Yes	No	Yes	Yes
Suggested rule change	Maintain appeal right	Create appeal right	Remove appeal right	Remove appeal right

Other changes proposed include adding a reference to a “statewide vendor identified by the Department of Administrative Services.” DAS has identified Fieldprint as the accepted statewide vendor and this change allows for their services as one accepted method for submitting fingerprint information for use by the department in delivering fingerprint-based background check clearances. Also, for the rules governing private school employees and contractors, the proposed changes revise the rule to identify entities that may collect fingerprints, and by doing so make this rule consistent with the rule for public schools employees. Lastly, changes are made to streamline the appeal process identified in rule to be consistent for all categories of appellants.

The proposed changes were crafted in close consultation with ODE’s government and legal affairs team to be sure they are aligned with the department’s requirements and obligations to the public. The proposed changes were brought before the Rules Advisory Committee for review, and no concerns regarding the proposed changes were raised. The department also has scheduled a hearing on the proposed changes on the day following the May State Board of Education meeting to collect feedback from stakeholders.

SUMMARY OF PREVIOUS BOARD ACTION

This is the first presentation of the proposed changes to the board.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.A.

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 proposed revisions to the rule before the Board today regarding who has access to the appeal process are being proposed in order to bring the administrative rule into alignment with statute. However, even in a rule revision that is a “technical adjustment” there are impacts to consider. It is important to acknowledge that the topic of fingerprinting background checks often raise broader concerns about the nature of the criminal justice system and its effects. People of color are arrested and convicted at higher rates than their white peers. The criminal justice system has a disproportionate impact on people of color, and the fingerprint-based background check process therefore also has a disproportionate impact on people of color.

During the presentation the Rulemaking Advisory Committee, staff heard feedback from participants about the impact of the fingerprint based background checks on people of color in general. Staff acknowledged the feedback and committed to considering other changes to the process, including possible legislative concepts.

EQUITY IMPACT ANALYSIS

Removing the appeal process for volunteers could further exclude people who cannot participate in schools as employees or contractors due to criminal history conflicts. While schools are not required by law to obtain a background clearance from the department, those who depend on the department’s clearances to make their decision as to whether someone is allowed to participate as a volunteer could potentially lose a chance for someone to demonstrate that the department’s review of their criminal history was incorrect or incomplete.

FISCAL ANALYSIS

The Pupil Transportation & Fingerprinting Unit spends much time and resources attempting to deliver consistent service within projected time limits, particularly in the fall when there is a much higher volume of requests due to school startup. Since attempts to obtain new permanent positions to assist with the unit’s workload have not been successful, adoption of the proposed changes would decrease some of the administrative work involved with sending letters to disqualified volunteer applicants informing them of an appeal right, resulting in a fiscal benefit to the state.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.A.

EFFECT OF A “YES” OR “NO” VOTE

A “yes” vote would create appeal rights for private school employees, remove appeal rights for public and private school volunteer candidates, and accept the technical changes detailed in this docket.

A “no” vote would retain the current rule language, including the lack of appeal right for private school employees, and retain the department’s current practices.

STAFF RECOMMENDATION

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

ATTACHMENTS

- Proposed Rule Changes to OAR 581-021-0511, 581-045-0586, 581-021-0512, and 581-045-0587

581-021-0511

Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) School districts shall adopt and implement local board policy related to fingerprint collection and processing which shall:

(a) Specify that subject individuals as defined by this rule are subject to fingerprinting and criminal records checks required by law;

(b) Specify which contractors will be considered to have unsupervised access to children and are subject to fingerprinting and criminal records checks required by law;

(c) Specify the format used to notify subject individuals that fingerprinting and criminal record checks are required by law and that any action resulting from those checks may be appealed as a contested case;

(d) Provide a clear statement that the district will terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has a conviction for any of the crimes prohibiting employment that are identified under section (8) of this rule;

(e) Provide a clear statement that the district may terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has knowingly made a false statement as to the conviction of any crime;

(f) Specify that subject individuals may begin to carry out terms of a contract or employment on a probationary basis pending the return of state and national criminal records checks;

(g) Identify that employment shall be offered prior to collecting fingerprint information and that fees may be collected from the subject individual. The subject individual may request that the amount of the fee be withheld from the amount otherwise due the individual, and the school district shall withhold the amount only upon the request of the subject individual; and

(h) Identify a procedure that ensures the integrity of fingerprint collection and will prevent any possible compromise of the process.

(2) Fingerprints may be collected by one of the following:

(a) Employing school district staff;

(b) Contracted agent of employing school district;

(c) Local or state law enforcement agency; ~~or~~

(d) Statewide vendor identified by the Oregon Department of Administrative Services.

(3) Immediately following offer and acceptance of employment or contract, school districts shall send fingerprint information for each subject individual to the Oregon Department of Education for purposes of a criminal records check.

(4) Criminal records check requests shall be submitted electronically through the statewide vendor identified by DAS. Exemptions from this requirement may be granted by the Oregon Department of Education on an individual basis. Reasons for exemption include, but are not limited to, geographic location and ability of vendor to meet needs. School districts exempted from the electronic process shall submit fingerprint information on forms provided by the Oregon Department of Education.

(5) The Oregon Department of Education shall request criminal records information from the Oregon State Police in the manner prescribed by law. A fee per criminal records check request shall be established by the department, reviewed annually, and commensurate to cost changes to Oregon State Police or Federal Bureau of Investigation fee schedules and other costs associated with acquiring and furnishing criminal offender information. The fee shall be:

(a) Deducted from the SSF payment for school districts that receive SSF payments; or

(b) Invoiced to school districts that do not receive SSF payments.

(6) Upon receipt of criminal records information, the Oregon Department of Education shall review the criminal records of a subject individual. The State Superintendent of Public Instruction shall:

(a) Issue to the subject individual a statement of criminal history status and information regarding their right to an appeal if they do not meet the requirements for employees or contractors or knowingly made a false statement as to a conviction of a crime; and

(ab) Issue to the school district a statement of criminal history status and related impact on employment or contract qualification and, if applicable, the Oregon Department of Education's determination that the subject individual knowingly made a false statement as to conviction of a crime. ;and

~~(b) Notify the school district if the subject individual has knowingly made a false statement as to conviction of a crime.~~

(7) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment or contract status by the district.

(8) Subject individuals who have a conviction for any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction.

(9) A school district may terminate the employment of any subject individual who knowingly makes a false statement as to the conviction of a crime upon notification of the false statement by the Superintendent of Public Instruction.

(10) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(11) Prior to making a determination that results in a notice and opportunity for hearing, the Superintendent of Public Instruction may cause an investigation to be undertaken. Subject individuals and districts shall cooperate with the investigation and may be required to furnish oral or written statements by affidavit or under oath. If the Superintendent of Public Instruction determines through investigation that a violation of this rule has not occurred, a written decision explaining the basis for the decision will be provided to the subject individual.

(12) Subject individuals may appeal a determination that prevents their employment or eligibility to contract with a school district as a contested case under ORS 183.413 to 183.470 to the Superintendent of Public Instruction.

(13) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS personnel at the Oregon Department of Education.

(14) The Oregon Department of Education shall maintain a record of all properly submitted fingerprint information. The record shall include at least the following:

- (a) Fingerprint sequence number;
- (b) District submitting the fingerprints;
- (c) Date the Department form is received;
- (d) Date fingerprint information is sent to Oregon State Police; and
- (e) Date denial or final approval sent to district.

581-021-0512

Non-employment criminal background checks for school districts

(1) School districts that have volunteers that have direct unsupervised contact with students shall have a policy requiring those volunteers to undergo a criminal records check.

(2) State criminal records check based on name and DOB:

(a) A school district may submit a request to the Oregon Department of Education for an in-state criminal records check in LEDS based on name and DOB on any volunteer.

(b) State criminal records check requests made under this section shall:

(A) Use forms provided by the Oregon Department of Education;

(B) Include an authorization from the volunteer for the Oregon Department of Education to perform a criminal records check; and

(C) Include payment of the processing fee of \$5 per person to be checked.

(3) State and national criminal records check based on fingerprints:

(a) A school district may submit a request to the Oregon Department of Education for a fingerprint-based criminal records check for volunteers identified in local board policy as requiring a fingerprint-based criminal records check.

(b) Requests for fingerprint-based criminal records checks shall be submitted electronically through the statewide vendor identified by DAS. Exemptions from this requirement may be granted by the Oregon Department of Education on an individual basis. Reasons for exemption include, but are not limited to, geographic location and ability of vendor to meet needs. School districts exempted from the electronic process shall submit fingerprint information on forms provided by the Oregon Department of Education;

(c) A fee shall be established by the department, reviewed annually, and commensurate to cost changes to Oregon State Police or Federal Bureau of Investigation fee schedules and other costs associated with acquiring and furnishing criminal offender information. The fee shall be:

(A) Deducted from the SSF payment for school districts that receive SSF payments; or

(B) Invoiced to school districts that do not receive SSF payments.

(d) A fingerprint-based criminal records check conducted in accordance with this section will be a state and national check through the Oregon State Police and the FBI.

(4) The Oregon Department of Education shall review the criminal records when a request is made under section (2) or (3) of this rule, make a fitness determination, and notify the school district of that determination.

(a) A volunteer does not meet the fitness standards of this rule if the individual has:

(A) A conviction for any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number; or

(B) Knowingly made a false statement.

(b) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law.

~~(5) Volunteers may appeal a fitness determination resulting from a fingerprint-based criminal records check under section (3) of this rule as a contested case under ORS 183.413 to 183.470 to the Superintendent of Public Instruction.~~

~~(6)~~ Notwithstanding the fitness determination made by the Oregon Department of Education pursuant to this rule, a school district may allow a volunteer that has undergone a criminal records check to have direct, unsupervised contact with school children.

581-045-0586

Fingerprinting of Subject Individuals Employed by Private Schools in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) A private school may request that the Oregon Department of Education conduct a criminal records check of a subject individual by submitting fingerprint information for that individual to the Department.

(2) Fingerprints may be collected by one of the following:

(a) Employing school district staff;

(b) Contracted agent of employing school district;

(c) Local or state law enforcement agency; or

(d) Statewide vendor identified by the Oregon Department of Administrative Services.

(23) Criminal records check requests shall be submitted electronically through the statewide vendor identified by DAS. Exemptions from this requirement may be granted by the Oregon Department of Education on an individual basis. Reasons for exemption include, but are not limited to, geographic location and ability of vendor to meet needs. Private schools exempted from the electronic process shall submit fingerprints on forms provided by the Oregon Department of Education.

(34) The Department shall request criminal records information from the Oregon State Police in the manner prescribed by law. A fee per criminal records check request shall be established by the department, reviewed annually, and commensurate to cost changes to Oregon State Police or Federal Bureau of Investigation fee schedules and other costs associated with acquiring and furnishing criminal offender information. The fee shall be invoiced to the private school.

(45)(a) Upon receipt of criminal records information, the Oregon Department of Education shall review the criminal records of a subject individual. The Superintendent of Public Instruction shall:

(A) Issue to the subject individual a statement of criminal history status and information regarding their right to an appeal if they knowingly made a false statement as to a conviction of a crime; and

(B) Issue to the private school a statement of criminal history status and, if applicable, the Oregon Department of Education's determination that the subject individual knowingly made a false statement as to conviction of a crime.

~~(A) Issue a statement of criminal history status; and~~

~~(B) Notify the private school if the subject individual has knowingly made a false statement as to conviction of a crime.~~

(b) A private school may choose to employ or contract with a person who has knowingly made a false statement as to conviction of a crime.

(56) The Superintendent of Public Instruction shall notify the private school if the subject individual has a conviction for any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number. A private school may choose to employ or contract with a person who has a conviction for a crime listed in ORS 342.143 or the substantial equivalent.

(67) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEADS personnel at the Department.

(78) The Oregon Department of Education shall maintain a record of all properly submitted fingerprint information. The record shall include at least the following:

- (a) Card Fingerprint sequence number;
- (b) Name of private school submitting the fingerprints;
- (c) Date the Department form is received;
- (d) Date fingerprint information is sent to Oregon State Police;
- (e) Date private school was notified of criminal history results.

581-045-0587

Non-employment criminal records checks for private schools

(1) Private schools that have volunteers that have direct unsupervised contact with students may have a policy requiring those volunteers to undergo a criminal records check.

(2) State criminal records check based on name and DOB:

(a) A private school may submit a request to the Oregon Department of Education for an in-state criminal records check in LEDS based on name and DOB on any volunteer.

(b) State criminal records check requests made under this section shall:

(A) Use forms provided by the Oregon Department of Education;

(B) Include an authorization from the volunteer for the Oregon Department of Education to perform a criminal records check; and

(C) Include payment of the processing fee of \$5 per person to be checked.

(3) State and national criminal records check based on fingerprints:

(a) A private school may submit a request to the Oregon Department of Education for a fingerprint-based criminal records check for volunteers identified in local policy as requiring a fingerprint-based criminal records check.

(b) Requests for fingerprint-based criminal records checks shall be submitted electronically through the statewide vendor identified by DAS. Exemptions from this requirement may be granted by the Oregon Department of Education on an individual basis. Reasons for exemption

include, but are not limited to, geographic location and ability of vendor to meet needs. Private schools exempted from the electronic process shall submit fingerprints on forms provided by the Oregon Department of Education;

(c) A fee shall be established by the department, reviewed annually, and commensurate to cost changes to Oregon State Police or Federal Bureau of Investigation fee schedules and other costs associated with acquiring and furnishing criminal offender information. The fee shall be invoiced to the private school;

(d) A fingerprint-based criminal records check conducted in accordance with this section will be a state and national check through the Oregon State Police and the FBI.

(4) The Oregon Department of Education shall review the criminal records when a request is made under section (2) or (3) of this rule, make a fitness determination and notify the private school of that determination.

(a) A volunteer does not meet the fitness standards of this rule if the individual has:

(A) A conviction for any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number; or

(B) Knowingly made a false statement.

(b) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law.

~~(5) Volunteers may appeal a fitness determination resulting from a fingerprint-based criminal records check under section (3) of this rule as a contested case under ORS 183.413 to 183.470 to the Superintendent of Public Instruction.~~

(65) Notwithstanding the fitness determination made by the Oregon Department of Education pursuant to this rule, a private school may allow a volunteer that has undergone a criminal records check to have direct, unsupervised contact with school children.

Fingerprint-Based Background Checks

- **Proposed Rule Changes: Align appeal rights in administrative rules to what is required under statutes**

	Employment – Public School	Employment – Private School	Volunteer – Public School	Volunteer – Private School
Rule and Statute	OAR 581-021-0511 ORS 326.603	OAR 581-045-0586 ORS 326.603	OAR 581-021-0512 ORS 326.607	OAR 581-045-0587 ORS 326.607
Is the individual required to be fingerprinted by ODE?	Yes	No	No	No 149
Is an appeal right required by statute?	Yes	Yes	No	No
Does the administrative rule currently offer an appeal right?	Yes	No	Yes	Yes
Suggested rule change	Maintain appeal right	Create appeal right	Remove appeal right	Remove appeal right

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

<p>SUBJECT: 581-021-0077 Compulsory Attendance Notices and Citation</p> <p>STAFF NAME & OFFICE: Maggie Mashia, Office of Education Innovation and Improvement Marnie Jewell, Office of Education Innovation and Improvement</p> <p>Prior to 2021, families could be cited with a Class C Violation penalty for a student’s unexcused attendance. The citation process is outlined in OAR 581-021-0077. Senate Bill 817 removed the Class C Violation penalty, and the attendance OAR needs to be updated to reflect the violation removal.</p> <p>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?
Senate Bill 817, passed in 2021, removed the Class C Violation penalty from the attendance process for students and families. This legislation was passed without input or knowledge of ODE. This update removes the language that gives specificity for following the citation process, while also keeping the concept of families receiving information in their native language. This update removes language from OAR (581-021-0077) that refers to the citation process.
- b. What is the current requirement in rule or statute?
Current rule provides the process for superintendents to issue a citation when a student’s absences are severe. The process outlined in rule is no longer in alignment with SB 817, which removed the citation requirement for school superintendents.
- c. Why is this rule being brought forward right now?
This rule is brought forward to ensure alignment of OAR with legislative action.

2. Purpose

- a. What function does the current rule hold?
The rule is focused on outlining regular attendance and providing a penalty for parents who fail to ensure that their students are maintaining regular attendance. Process for issuing a citation is outlined (Class C Violation) for the school district and superintendent.

- 3. How long has the rule been in place?
The current rule was outlined in 1993, with the latest update being in 2015.

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

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

- a. If the board does have discretion, those areas should be called out here or in the next section.

This change mirrors statute.

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

- a. Who was involved in bringing this to the Board?

The Oregon Department of Education's Every Day Matters team, specifically Maggie Mashia (Director of Programs & Practices), Dany Douglas (Program Analyst), Saskia Dresler (Operations and Policy Analyst), Ange Matian, (Education Specialist), and Marnie Jewell (Education Specialist) were responsible for developing these rule changes and bringing them to the Board. Feedback from previous student and family engagement sessions were considered, as well as feedback from the Rules Advisory Committee.

The current proposed rule update seeks to align with statute. However, a more in-depth update is planned for the 2023-2024 school year to outline a clearer and more supportive process to engage students and families and address root causes of attendance barriers. This comprehensive rule update will go through engagement with students, families, school and community organization staff.

- b. What did engagement in this process entail?

Engagement with students and families included in-person meetings around the state just prior to COVID. These listening sessions focused on mental health absences and student/family experiences with unexcused absences responses from schools. Additional engagement opportunities have included OSBA collaboration (several meetings), and the Rules Advisory Committee (presentation and questions). Questions have also been posed to the department by a judge as well as school district and regional support personnel seeking clarity.

- c. Who may be affected by this?

Positive impact for families is anticipated by this rule change. Focal students are disproportionately experiencing chronic absenteeism at higher rates than white students and the state average rate, therefore would be experiencing citations at a higher rate. Removal of the citation process will ensure that families with the fewest material resources are not fiscally penalized.

What we have learned and heard from our communities is that the systemic barriers to student engagement are not remedied through financial penalties.

- d. Whose voice is missing?

We did not conduct current engagement with students, but have current work underway to engage with students around the topics of belonging, engagement, and attendance barriers. The team also welcomed feedback from the Student Advisors on the Rules Advisory Committee.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

- e. What additional information does the Board need prior to moving forward?

No additional areas have been identified by the team; however Board input on any information needed is welcomed.

SUMMARY OF PREVIOUS BOARD ACTION

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

This rule has not been before the SBE since 2015.

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

We have intentionally connected with focal student groups around the state both pre-COVID and currently. We continue to seek collaboration opportunities with OSBA and COSA.

- b. Who are the historically underserved groups affected?

At the core of all of our work is focal student groups, and it is anticipated that the removal of the financial citation when students are experiencing barriers or a lack of engagement in school will have a positive impact on student belonging and engagement. It is anticipated that the families of focal student groups will be able to more fully engage in meaningful collaboration with schools and districts to identify the barriers to student engagement and attendance, as well as co-create the solutions that support students' engagement in school.

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

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

There has been ongoing consultation with the Office of Indian Education, related to supports needed by families and those supporting attendance and removing barriers for students and families.

- 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 rule change seeks to keep the portion of the rule that addresses language needs of communities, by intentionally retaining language associated with communication to families.

2. Negative/Positive Effects

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

Focal students are disproportionately navigating chronic absenteeism, and thus families of focal students were more likely to disproportionately receive citations. The citation process involved families with the court system. Removing the citation process has the potential to mitigate harm and distrust between families and schools, as the court process can be isolating, stigmatizing and punitive.

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

This initial rule update aligns rule with statute to eliminate the citation and court process for families of students experiencing chronic absenteeism. In its place, districts can co-develop reengagement strategies with families and community education partners to address immediate barriers to student engagement and attendance, as well as address root causes of chronic absenteeism, such as (but not limited to) school climate and culture and culturally sustaining pedagogy.

To develop a statewide, guiding process for addressing student absenteeism, the ODE team will facilitate and support engagement sessions in the next school year. This statewide process will be proposed in rule, and districts can build upon its foundation to individualize it to their community's contexts.

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

Student engagement, belonging and attendance all impact students' experiences and outcomes of learning. The rule update supports eliminating the opportunity and achievement gap.

- d. Have all the potential unintended consequences been considered?

Yes.

- e. Does this rule advance the ESSA goals?

Yes. The proposed updates and new rule to the EDM rule set are in direct alignment with ESSA's goals.

3. What are the barriers to more equitable outcomes, either:

- a. State or federally mandated?

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

None identified

b. Political?

A perception has been raised that, by not providing a financial penalty, there are no longer any “teeth” to the compulsory attendance laws.

c. Emotional?

It is anticipated that families experiencing poverty in addition to attendance barriers will feel less ostracized and burdened by a system that has historically impacted our families experiencing poverty.

d. Financial?

Families will not have the additional financial burden of penalties related to student attendance, which further compounds family stressors and feelings of belonging to the school community

e. Programmatic?

School districts that previously used the citation process as a component of building student engagement and belonging related to improving attendance have been needing to design new processes.

f. Language?

None identified

g. Geography?

None identified

h. Size?

none identified

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.

a. there are no adverse unintended consequences currently identified as a result in this change in rule.

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.

a. In Oregon, students who experience the highest rates of absenteeism are American Indian/Alaska Native students (51.5%), Native Hawaiian/Pacific Islander students (54.6%), Black/African American students (44.4%), Hispanic/Latino students (44.2%), students with disabilities (43.8%), and students experiencing houselessness (60.8%). This means that the families of students, many of whom are economically disadvantaged, have been disproportionately affected by this law.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

- C. 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.
 - a. As outlined above, this rule is expected to provide an atmosphere of collaboration with communities historically marginalized by the education system, rather than a punitive approach when students and families experience barriers to attendance.
- D. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?
 - a. The rule change came about through the legislative process without direct consultation with ODE personnel. It is believed that the intention behind this rule change was designed to create a more collaborative, welcoming and inclusive environment for students historically marginalized by the system when families and students experience life circumstances which make school attendance difficult.

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?

There is no anticipated fiscal impact to most of the Agency. ODE's Every Day Matters team may be called upon with the greater resource of time regarding consultation, research and publication of best practices, providing support both in-person or by correspondence to districts, regions and families, as we already do.

2. How does the proposed rule change impact school districts and ESDs?

Prior to the citation removal, some districts used the citation process, others did not. Districts and ESDs that used the citation as a "last resort" to address students' chronic absenteeism will need to identify other processes for student and family engagement. There are systems in place at the ESDs to support districts in their regions as they develop these new processes. Additionally, ODE's Every Day Matters team continues to provide support to regions and districts in the area of attendance practices.

3. How does the proposed rule change impact schools and other educational institutions?

We anticipate schools and other educational institutions to be impacted to varying levels. School districts that relied heavily on the citation process will need to find new ways to re-engage families and their students into the learning environment. For those districts who have not relied on the citation process as a tool for addressing irregular attendance, there will not be a perceived impact.

4. Does the proposed rule change impact other stakeholders?

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 6.B.

Judicial systems may experience an impact to their internal systems, as well as the communities they serve related to time spent developing new practices and supports for students and families.

EFFECT OF A “YES” OR “NO” VOTE

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

The Board’s approval will allow ODE to be in alignment with the statute. A vote of “no” would necessitate more planning as well as a second return to the board to align OAR with the current Statute.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other Continuous improvement

ATTACHMENTS

Attachment 1:

[Updated OAR](#)

[DRAFT Guidance for districts and regions](#)

581-021-0077

Compulsory Attendance Notices and Citation

581-021-0077

Compulsory Attendance Notices ~~and Citation~~

(1) Definitions for purposes of this rule:

(a) "Parent" means parent, guardian or other person having control of a minor child who has not completed the 12th grade or is not otherwise legally exempt from compulsory attendance under ORS 339.030.

(b) "Student" means a minor between the ages of 7 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030.

(c) "Superintendent" means the superintendent of a public school district or the superintendent's designee.

(d) "Attendance supervisor" means an official appointed under ORS 339.040.

(e) "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session.

(2) Notice of Attendance Supervisor. When an attendance supervisor determines a parent has failed to enroll his or her child and to maintain such child in regular attendance at a public school, the attendance supervisor shall give written notification to the parent within 24 hours of being informed of the failure. The notice may be served personally or by certified mail.

(a) The notice shall state that the student must appear at the public school on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year.

(b) The notice shall state that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

(c) The notice shall be written in the native language of the parent or guardian of the student.

(d) The attendance officer, at the time the notice is served to the parent, shall notify the district superintendent, principal or other appropriate school official.

(3) Notice of Superintendent. If the parent receiving the notice of the attendance supervisor does not comply with that notice, the attendance officer, within three days of knowledge of such noncompliance, shall notify the superintendent. Upon notification by the attendance officer, the superintendent may issue a citation as set forth in Attachment A of this rule.

(4) Prior to issuing the citation set forth in Attachment A, the superintendent, by personal service or certified mail, shall serve the parent written notification that:

(a) States that the student is required to regularly attend a full-time school;

(b) Explains that the failure to send the student and to maintain the student in regular attendance is a Class C violation;

(c) States that the superintendent may issue a citation;

(d) Requires the parent and the student to attend a conference with a designated school official; and

(e) States that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

(f) Is written in the native language of the parent or guardian of the student.

(5) The superintendent shall schedule the conference described in section (4)(d) of this rule. A conference may not be scheduled until after any evaluations or reviews described in subsections 2(b) and 4(e) of this rule have been completed. If the parent does not attend the conference or fails to send the child to public school after the conference, the superintendent may issue a citation provided by the Department of Education in the form set forth as Attachment A which is incorporated by reference into this rule. **The citation shall be served in person.**

[ED-NOTE: Attachments referenced are available from the agency.]

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

<p>SUBJECT: OAR 581-022-2415: Core Teaching Standards & OAR 581-022-2420: Educational Leadership – Administrator Standards</p> <p>STAFF NAME & OFFICE: Holly Carter & Sarah Martin, Office of Teaching, Learning, & Assessment</p> <p>The purpose of the proposed rule revisions is to maintain alignment between the standards ODE uses for evaluation and the standards TSPC uses for licensure and to make the alignment between TSPC’s and ODE’s standards more transparent.</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

[ORS 342.856 Core Teaching Standards, Section 1](#) directs the State Board of Education, in consultation with the Teacher Standards and Practices Commission (TSPC), to adopt core teaching standards to improve student academic growth and learning, with the purpose of:

- Assisting school districts in determining the effectiveness of teachers and administrators and in making human resource decisions; and
- Improving the professional development and the classroom and administrative practices of teachers and administrators

In keeping with ORS 342.856, ODE aligns the standards used for evaluating teachers and administrators with the standards adopted by TSPC for teacher and administrator licensure. TSPC adopted core teaching standards for teachers through OARs 584-420-0020 and 584-420-0030 and professional standards for administrators through OAR 584-235-0010. In parallel, the State Board of Education adopted standards for teacher evaluations through OAR 581-022-2415 and standards for administrator evaluations through OAR 581-022-2420. The State Board adopted these standards for evaluation in 2011 and last revised the standards for administrator evaluations in 2012.

In 2019, TSPC adopted new administrator standards built on the foundation of the Professional Standards for Education Leaders (PSEL). These new standards replace the Interstate School Leaders Licensure Consortium (ISLLC) standards which Oregon had previously used for both licensure and evaluation of administrators. Following TSPC’s adoption of administrator standards, ODE now presents revisions to OAR 581-022-2420 to the State Board with the purpose of maintaining alignment with the standards established in TSPC’s rules, consistent with the direction from ORS 342.856.

While compliance with ORS 342.856 calls for the State Board to align the standards used for evaluation with the standards adopted by TSPC, the State Board does retain some discretion in terms of how to structure the transition from previously adopted standards to the new standards. Preliminary input from impacted educational partners indicates that districts would likely benefit from having additional time to update their local evaluation systems and practices to align with the new standards. While ODE’s engagement efforts are still underway, ODE has reflected this early feedback in the proposed revision to OAR 581-022-2420 by including an effective date of July 1, 2026. This on ramp would provide districts with timely notice and allow districts three years to transition before being held accountable to the new

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

standards as part of the Division 22 assurances process. This also mirrors TSPC’s implementation timeline for teacher preparation programs to implement the administrator standards following their adoption process.

In preparing the revisions to OAR 581-022-2415 and OAR 581-022-2420 now before the State Board, ODE collaborated closely with TSPC, as well as the Educator Advancement Council (EAC) to ensure close alignment. Building upon the engagement and outreach that TSPC conducted in 2019 as part of its adoption of the new administrator standards, ODE is now in the process of gathering feedback from groups such as the Coalition of Oregon School Administrators (COSA) and the Oregon Educator Association (OEA) to learn more about what districts will need to support successful implementation of the new administrator standards for purposes of administrator evaluations. ODE’s engagement focuses on the following questions:

1. What communication needs will districts and administrators need as they prepare for a July 2026 implementation of the new administrator standards?
2. What barriers do districts anticipate encountering when updating local administrator & school leader evaluation systems and practices to align with the new administrator standards?
3. What supports or resources do districts anticipate needing in order to align local evaluation systems and practices with the new administrator standards?

ODE plans to complete its engagement efforts before bringing these rule revisions back to the State Board for adoption in June 2023.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board first adopted OAR 581-022-2415 and OAR 581-022-2420 in 2011 and adopted a revision to OAR 581-022-2420 in 2012.

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

Policy Considerations for OAR 581-022-2420: Educational Leadership – Administrator Standards

The primary policy issue concerning the revision to OAR 581-022-2420 involves providing districts with sufficient time to transition their local practices and systems for evaluating administrators to align with the new administrator standards. Initial input from education partners affirmed that districts will need an onramp in implementing the new standards. In consultation with TSPC, ODE proposes allowing three years for full implementation, consistent with TSPC’s practices. ODE has included in the revision to OAR 581-022-2420 a proposed effective date of July 1, 2026. This would provide districts with three years from the anticipated time of adoption before being held accountable to the new standards when submitting their Division 22 assurances. Under this proposed timeline, districts would first be required to apply the new standards for administrator evaluations starting with the 2026-27 school year,

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

reporting their compliance with the standards to ODE and their local community and school boards in November 2027. ODE hopes through additional engagement to identify specific communication needs, barriers to implementation, and resources to support districts through this transition.

Another policy consideration addressed through the revision to OAR 581-022-2420 is to increase transparency around the intentional alignment between OAR 581-022-2420, which establishes the standards used to evaluate administrators, and TSPC's rule OAR 584-235-0010, which establishes the professional standards for administrators. Revising OAR 581-022-2420 so that it no longer restates the standards but instead points explicitly to TSPC's rule will facilitate seamless continuity when updating administrator standards in the future.

In addition to these policy considerations impacting the language of OAR 581-022-2420, preliminary feedback from education partners and the Rules Advisory Committee has signaled some specific communication needs for ODE to provide in support of local implementation efforts. Specifically, ODE has heard the need for clear communication to districts around unpacking the standards and helping districts and their administrators to understand what the standards will look like in practice, how they will be experienced by both administrators representing dominant culture identities as well as historically and currently marginalized identities, and how to apply the new standards to evaluate administrators in a culturally responsive manner. While not reflected in the rule revision itself, this feedback will guide ODE and its partners at TSPC and EAC through the next phase of statewide implementation.

Policy Considerations for OAR 581-022-2415: Core Teaching Standards

While the immediate need for action to maintain alignment is in the context of the standards for administrator evaluations (OAR 581-022-0420), ODE proposes to apply the same structural revision to OAR 581-022-2415, which establishes the standards for teacher evaluations. This is a proactive approach that also increases transparency around the intentional alignment between OAR 581-022-2415 and TSPC's core teaching standards in rules OAR 584-420-0020 and OAR 584-420-0030. The proposed structural revision to OAR 581-022-2415 will have no substantive impact as the core teaching standards for teacher licensure and teacher evaluations are currently aligned.

EQUITY IMPACT ANALYSIS

The administrator standards adopted by TSPC in 2019 which ODE now proposes for State Board adoption include a greater focus on equity as a standard for school and district administrators compared with the standards currently in place for administrator evaluations under OAR 581-022-2420. Issues of equity and cultural responsiveness are important for school leaders as they work to ensure all students are well-prepared for college, careers, and their civic responsibilities. PSEL Standard 3, which serves as one of the foundations for the new administrator standards, focuses specifically on equity and cultural responsiveness, with 8 indicators that describe what the standards look like in practice including:

- Recognizing, respecting, and employing each student's strengths, diversity, and culture as assets for teaching and learning;
- Developing student policies and addressing student misconduct in a positive, fair, and unbiased manner; and

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

- Confronting and altering institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.

The ISLLC standards which are currently in place through OAR 581-022-2420 do not have a separate domain for equity and culture responsiveness, though indicators related to equity and cultural responsiveness are woven throughout the competencies and indicators.

FISCAL ANALYSIS

ODE anticipates there may be some local costs at the ESD and district level associated with providing professional development on the new administrator standards. There will also be staff time implicated in the transition to new standards.

EFFECT OF A "YES" OR "NO" VOTE

Effect of a "Yes" Vote

- **OAR 581-022-2415: Core Teaching Standards** – Adopting the proposed revision to OAR 581-022-2415 will increase transparency of the alignment between the core teaching standards used for both teacher licensure and evaluations. The proposed revision does not create a substantive impact as the core teaching standards remain the same, with no impact on district practices.
- **OAR 581-022-2420: Educational Leadership – Administrator Standards** – Adopting the proposed revision to OAR 581-022-2420 will increase transparency of the alignment between the professional standards used for administrator licensure and the standards used for administrator evaluations. In addition, adopting this revision will serve to re-align the standards for administrator evaluations with the administrator licensure standards adopted by TSPC in 2019. A "yes" vote provide districts with notice that they must fully implement the new administrator evaluation standards by July 1, 2026. The existing standards would continue to apply for purposes of Division 22 assurances through the end of the 2025-26 school year.

Effect of a "No" Vote

- **OAR 581-022-2415: Core Teaching Standards** – A "no" vote for the proposed revision to OAR 581-022-2415 would not have a substantive impact at this time. However, it would mean that the State Board would need to go through a separate process in the future to revise this rule should TSPC revise their rules governing core teaching standards for teacher licensure.
- **OAR 581-022-2420: Educational Leadership – Administrator Standards** – A "no" vote for the proposed revision to OAR 581-022-2420 would result in continued misalignment between the rules adopted by TSPC and the State Board establishing professional standards for administrators and evaluation standards for administrators.

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

May 18, 2023

AGENDA ITEM: 7.C.

[581-022-2415](#)

Core Teaching Standards

School districts shall use the core teaching standards adopted by the Teacher Standards and Practices Commission (TSPC) under OAR 584-420-0020 for preliminary teaching licenses and under OAR 584-420-0030 for professional teaching licenses to evaluate teacher effectiveness as required by outlined in OAR 581-022-2410. Performances, essential knowledge and critical dispositions for each standard are contained within the Interstate Teacher Assessment and Support Consortium (InTASC) core teaching standards published at:

http://www.ccsso.org/Documents/2011/InTASC_Stds_MS_Word_version_4_24_11.doc. The core teaching standards are the same standards adopted by the Teacher Standards and Practices Commission (TSPC) for initial and advanced teacher preparation. The standards include:

(1) The Learner and Learning

(a) Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. [InTASC Standard #1]

(b) Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. [InTASC Standard #2]

(c) Learning Environments: The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. [InTASC Standard #3]

(2) Content

(a) Content Knowledge: The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. [InTASC Standard # 4]

(b) Application of Content: The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. [InTASC Standard #5]

(3) Instructional Practice

(a) Assessment: The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. [InTASC Standard #6]

(b) Planning for Instruction: The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. [InTASC Standard #7]

(c) Instructional Strategies: The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. [InTASC Standard # 8]

(4) Professional Responsibility

(a) Professional Learning and Ethical Practice: The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. [InTASC Standard #9]

(b) Leadership and Collaboration: The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

~~professionals, and community members to ensure learner growth, and to advance the profession.~~

~~[InTASC Standard #10]~~

Statutory/Other Authority: ORS 342.805–342.937

Statutes/Other Implemented: OL 2011 § 2 & Ch 729 (SB 290)

History:

Renumbered from 581-022-1723 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 21-2011, f. & cert. ef. 12-15-11

Attachment 2:

[581-022-2420](#)

Educational Leadership — Administrator Standards

(1) For the 2026-27 school year and subsequent school years, school districts shall use the performance standards adopted by the Teacher Standards and Practices Commission (TSPC) under OAR 584-235-0010 for school administrator licensure to evaluate administrator effectiveness as required by OAR 581-022-2410.

(2) For the 2023-24, 2024-25, and 2025-26 school years, school districts may:

(a) Comply with (1) of this rule, or

(b) School districts shall use the educational leadership–administrator standards to evaluate administrator effectiveness outlined in OAR 581-022-2410. These standards align with the Educational Leadership Constituents Council (ELCC) standards for Educational Leadership published at: <http://www.ncate.org/Standards/ProgramStandardsandReportForms/tabid/676/Default.aspx#ELCC> The knowledge and skill abilities required for each program standard are found within the full document of the standards. These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) published at:

http://www.ccsso.org/Documents/2008/Educational_Leadership_Policy_Standards_2008.pdf. The educational leadership-administrator standards are the same standards adopted by the Teacher Standards and Practices Commission (TSPC) for administrator licensure. The standards include:

(A1) Visionary Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by stakeholders. [ISLLC Standard 1]

(B2) Instructional Improvement: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by sustaining a positive school culture and instructional program conducive to student learning and staff professional growth. [ISLLC Standard 2]

(C3) Effective Management: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment. [ISLLC Standard 3]

(D4) Inclusive Practice: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources in order to demonstrate and promote ethical standards of democracy, equity, diversity, and excellence, and to promote communication among diverse groups. [ISLLC Standard 4]

Oregon State Board of Education

May 18, 2023

AGENDA ITEM: 7.C.

(E5) Ethical Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by acting with integrity, fairness, and in an ethical manner. [ISLLC Standard 5]

(F6) Socio-Political Context: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context. [ISLLC Standard 6]

Statutory/Other Authority: ORS 342.805 - 342.937

Statutes/Other Implemented: 2011 OL Ch. 729 Sec. 2 (Enrolled SB 290)

History:

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ODE 23-2012, f. & cert. ef. 8-1-12

ODE 21-2011, f. & cert. ef. 12-15-11

Oregon Leadership Standards

Teacher Standards and Practices
Commission – Chapter 584

Division 235

School Administrator Licenses

May 2023



Table of Contents

Scope and Responsibilities of School Administrators2

 Scope:2

 Responsibilities:2

Professional Standards for Education Leaders4

 Standard 1: Mission, Vision and Core Values.4

 Standard 2: Ethics and Norms.4

 Standard 3: Equity and Cultural Responsiveness.....5

 Standard 4: Curriculum, Instruction, and Assessment.6

 Standard 5: Community of Care and Support for Students.7

 Standard 6: Professional Capacity of School Personnel.....7

 Standard 7: Professional Community for Teachers and Staff.8

 Standard 8: Meaningful Engagement of Families and Community.9

 Standard 9: Operations and Management.10

 Standard 10: School Improvement.....11

Scope and Responsibilities of School Administrators

Scope:

An Oregon school administrator license or registration is required to perform any one of the following duties in public schools, school district or education service districts:

- a. Supervise TSPC-licensed school personnel;
- b. Evaluate TSPC-licensed school personnel;
- c. Discipline TSPC-licensed school personnel;
- d. Authorize the assignment of TSPC-licensed school personnel to teaching, administrator or other licensed school personnel positions; or
- e. Authorize out-of-school suspension or expulsion of preK-12 students.

Responsibilities:

The licensed or registered school administrator is recognized as an educational leader and has responsibility to:

- a. Supervise TSPC-licensed personnel under their authority;
- b. Approve evaluations of TSPC-licensed personnel under their authority;
- c. Properly assign TSPC-licensed personnel to teaching, administrator or other licensed school personnel positions;
- d. Supervise the conduct of all school personnel, including school volunteers, who have direct contact with students and who work in the school, education service district or school district under their authority. Direct contact includes in-person, electronic or virtual contact or communication;
- e. Properly authorize out-of-school suspension and expulsions of the students under their authority;
- f. Properly authorize the expenditure of public funds under their authority;
- g. Support the continuous improvement and capacity of the school administrator profession;
- h. Authorize the initiation and closing of investigations of complaints of abuse and misconduct in accordance with their applicable state, district or school policies;

- i. Provide notification of an open investigation related to a report of suspected sexual conduct or abuse involving a TSPC-licensed school personnel to the principal of the school to which the TSPC-licensed school personnel is transferred, if the TSPC-licensed school personnel is transferred to another school in the school district, in accordance with their applicable state, district or school policies;
- j. Provide notification of an open investigation related to a report of suspected sexual conduct or abuse involving the TSPC-licensed school personnel to the superintendent of the employing school district, if the school administrator had direct supervision of the TSPC-licensed school personnel and knowledge of their employment in another school district, in accordance with their applicable state, district or school policies; and
- k. Make best efforts to meet the performance standards, as provided in subsections (3) through (11).

NOTE: The performance standards are established as the Oregon School Leadership Standards and are rooted in the state’s commitment to student success and equity, and have been further supplemented and informed by the 2015 Professional Standards for Educational Leaders (Council of Chief State School Officers).

Professional Standards for Education Leaders

Standard 1: Mission, Vision and Core Values.

Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education, equity and inclusion, and academic success and well-being of each student. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for mission, vision and core values in the context of equity and culturally responsive practices, as provided in section (5) of this rule.
- b. Develop an educational mission for the school to promote the academic success and well-being of each student;
- c. In collaboration with members of the school and the community and using relevant data, develop and promote a vision for the school on the successful learning and development of each child and on instructional and organizational practices that promote such success;
- d. Articulate, advocate, and cultivate core values that define the school's culture and stress the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement;
- e. Strategically develop, implement, and evaluate actions to achieve the vision for the school;
- f. Review the school's mission and vision and adjust them to changing expectations and opportunities for the school, and changing needs and situations of students;
- g. Develop shared understanding of and commitment to mission, vision, and core values within the school and the community; and
- h. Model and pursue the school's mission, vision, and core values in all aspects of leadership

Standard 2: Ethics and Norms.

Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for ethics and professional norms in the context of equity and culturally responsive practices, as provided in section (5) of this rule.

- b. Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership;
- c. Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement;
- d. Place children at the center of education and accept responsibility for each student's academic success and well-being;
- e. Safeguard and promote the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity;
- f. Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures; and
- g. Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.

Standard 3: Equity and Cultural Responsiveness.

Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Ensure that each student is treated fairly, respectfully, and with an understanding of each student's culture and context;
- b. Recognize, respect, and employ each student's strengths, diversity, and culture as assets for teaching and learning;
- c. Ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success;
- d. Develop student policies and address student misconduct in a positive, fair, and unbiased manner;
- e. Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status;
- f. Promote the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society;

- g. Act with cultural competence and responsiveness in their interactions, decision making, and practice; and
- h. Address matters of equity and cultural responsiveness in all aspects of leadership.

Standard 4: Curriculum, Instruction, and Assessment.

Effective educational leaders develop and support intellectually rigorous, culturally responsive, and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for curriculum, instruction and assessment in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Implement coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive;
- c. Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self;
- d. Promote instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student;
- e. Ensure instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized;
- f. Promote the effective use of technology in the service of teaching and learning;
- g. Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement; and
- h. Use assessment data appropriately and within technical limitations to monitor student progress and improve instruction.

Standard 5: Community of Care and Support for Students.

Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for community of care and support for students in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Build and maintain a safe, caring, and healthy school environment that meets that the academic, social, emotional, and physical needs of each student;
- c. Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community;
- d. Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student;
- e. Promote adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development;
- f. Cultivate and reinforce student engagement in school and positive student conduct; and
- g. Infuse the school's learning environment with the cultures and languages of the school's community.

Standard 6: Professional Capacity of School Personnel.

Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Oregon school administrators are responsible to:

- a. Execute the standard for professional capacity of school personnel in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Recruit, hire, support, develop, and retain effective, culturally responsive, and caring teachers and other professional staff and form them into an educationally effective faculty;
- c. Plan for and manage staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel;

- d. Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development and culturally responsive methods;
- e. Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student;
- f. Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice;
- g. Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement;
- h. Develop the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community;
- i. Promote the personal and professional health, well-being, and work-life balance of faculty and staff; and
- j. Tend to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.

Standard 7: Professional Community for Teachers and Staff.

Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for professional community for teachers and staff in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Develop workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning;
- c. Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school;
- d. Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement;

- e. Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole;
- f. Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice;
- g. Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff;
- h. Provide opportunities for collaborative examination of practice, collegial feedback, and collective learning; and
- i. Encourage faculty-initiated improvement of programs and practices.

Standard 8: Meaningful Engagement of Families and Community.

Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for professional community for teachers and staff in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Be approachable, accessible, and welcoming to families and members of the community;
- c. Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students;
- d. Engage in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments;
- e. Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school;
- f. Create means for the school community to partner with families to support student learning in and out of school;
- g. Understand, value, and employ the state of Oregon's and the local community's culturally, social, intellectual, and political resources to promote student learning and school improvement;
- h. Develop and provide the school as a resource for families and the community;

- i. Advocate for the school and district, and for the importance of education and student needs and priorities to families and the community;
- j. Advocate publicly for the needs and priorities of students, families, and the community;
- k. Build and sustain productive partnerships with public and private sectors to promote school improvement and student learning;
- l. Partners with early learning community providers and families as children’s first teachers in order to support a seamless early learning to kindergarten transition, including alignment of instruction, and meet elementary learning benchmarks; and
- m. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context by
 - i. Advocating for children, families and caregivers;
 - ii. Acting to influence local, district, state and national decisions affecting student learning; and
 - iii. Assessing, analyzing and anticipating emerging trends and initiatives in order to adapt leadership strategies.

Standard 9: Operations and Management.

Effective educational leaders manage school operations and equitably distribute resources to promote each student’s academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Equitably distribute resources to students who have been historically marginalized due to their race, class, culture and language, gender and sexual orientation, and disability or special status.
- b. Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school;
- c. Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student’s learning needs;
- d. Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement;

- e. Be responsible, ethical, and accountable stewards of the school's monetary and non-monetary resources, engaging in effective budgeting and accounting practices;
- f. Protect teachers' and other staff members' work and learning from disruption;
- g. Employ technology to improve the quality and efficiency of operations and management;
- h. Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement;
- i. Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success;
- j. Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation;
- k. Develop and manage productive relationships with the central office and school board;
- l. Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community; and
- m. Manage governance processes and internal and external politics toward achieving the school's mission and vision.

Standard 10: School Improvement.

Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being. Oregon school administrators demonstrate the ability to:

- a. Execute the standard for school improvement in the context of equity and culturally responsive practices, as provided in section (5) of this rule;
- b. Seek to make school more effective for each student, teachers and staff, families, and the community;
- c. Use methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the school;
- d. Prepare the school and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement;

- e. Engage others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement;
- f. Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation;
- g. Assess and develop the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement;
- h. Develop technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation;
- i. Adopt a systems perspective and promote coherence among improvement efforts and all aspects of school organization, programs, and services;
- j. Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts; and
- k. Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

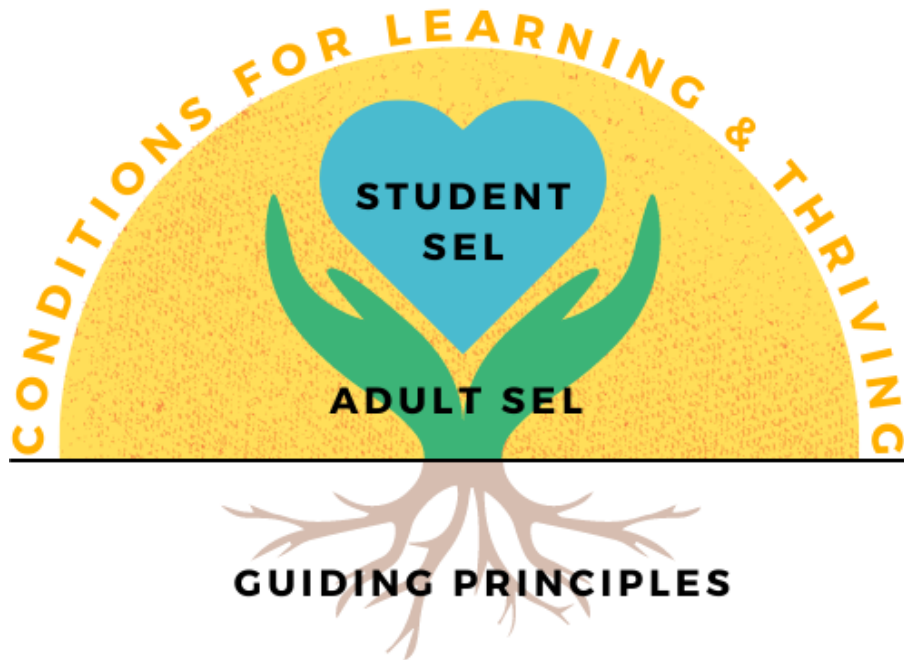
Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.120 - 342.430 & 342.455 - 342.495; 342.553

History: [TSPC 2-2019, adopt filed 02/25/2019, effective 02/25/2019](#)

Oregon's Transformative Social and Emotional Learning Framework

With K-12 Student Standards



Oregon's Transformative SEL Framework: The structure, connection, and relationship of the 4 components: Guiding Principles, Conditions for Learning and Thriving, Adult Transformative SEL, and Student Transformative SEL.

May 2023

Table of Contents

Acknowledgements	3
Introduction	4
Oregon’s Shift to Transformative SEL	7
Oregon’s Transformative SEL Framework	9
Oregon’s Transformative SEL Framework Components	10
Oregon’s Transformative SEL Ecosystem	11
Component 1: Guiding Principles	11
Culturally Responsive	12
Community Responsive	12
Strengths-Based	12
Trauma-Informed	13
Grounded in Neuroscience and the Science of Learning	13
Component 2: Conditions for Learning and Thriving	14
Cultivate Authentic Partnerships	15
Adopt Equitable Policies	15
Create Thriving Learning Environments	16
Component 3: Adult Transformative SEL	16
Prioritize Adult Well-being	16
Embed Transformative SEL in Professional Learning	17
Build on Oregon’s Transformative SEL Standards in Educator Preparation Programs	17
Component 4: Student Transformative SEL	18
Integrated Approach	19
Developmentally and Culturally Responsive	20
Role of Curriculum and Assessment	20
Standards, Practices and Growth Indicators	21
Oregon’s Transformative SEL K-12 Student Standards	23
Standard 1: Self-Awareness & Identity	23
Standard 2: Self-Management & Agency	25
Standard 3: Social-Awareness & Belonging	27
Standard 4: Relationship Skills & Collaborative Problem-Solving	28
Standard 5: Responsible Decision-Making & Curiosity	30
Appendices	31
Glossary of Competencies & Focal Constructs	31
References	34

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Students

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Students

Introduction

Social and Emotional Learning (SEL) is at the center of how humans learn and thrive. At its core, SEL is about recognizing that learning is a social and emotional process. While there are many definitions for SEL, the one most cited in the research is from the Collaborative for Academic, Social, and Emotional Learning (CASEL):

[SEL is] an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions. (CASEL, n.d.)

SEL is already a key component of teaching and learning in many places across Oregon, from kindergarten classrooms to high school. Some of the ways SEL is integrated with academic learning in classrooms is through:

- Empathizing with a protagonist’s emotions allows students to interpret narrative texts;
- Collaborating with fellow students on research projects applies social skills for academic success;
- Ethical deliberations that balance technical knowledge as students make scientific discoveries or learn about current events;
- Physical activity which nurtures mental and emotional well-being as students develop healthy practices to last a lifetime;
- Learning how to navigate social settings with confidence and respect develops students’ employability skills.

Oregon’s vision for SEL builds on these existing efforts by providing intentional focus on the social and emotional elements of learning, teaching, and cultivating affirming school cultures through a transformative approach. Oregon’s Transformative SEL K-12 Student Standards help provide a well-rounded education that teaches to the whole child, builds on their strengths, perspectives, and contributions, and guides the instructions and interactions between students and adults. SEL equips students with the skills needed for college, career, and life.

“Social emotional learning is about how to healthily interact with others and take care of yourself and your emotions.”
- Oregon Student

This quotation comes from student engagement with the Oregon Health Authority Statewide Youth Health Council and Youth Era.

Purpose

Oregon’s Transformative SEL Framework is intended to help build capacity for strengthening equity-focused school cultures that support student and adult well-being. A focus on Transformative SEL enables students and adults to be affirmed in their identities, where they can develop a sense of agency and belonging, engage in collaborative problem-solving, and deepen their curiosity about the kind of society they want to make a reality.

The purpose of the Framework is to:

1. Create statewide coherence and clarity;
2. Fulfill the intention of [House Bill 2166](#) (2021) and the [Preliminary Description of the Proposed Social Emotional Learning Standards Framework for Oregon](#) to develop a vision of Transformative SEL in Oregon;
3. Build on the foundation of [Oregon’s Early Learning and Kindergarten Guidelines](#) to continue to develop students’ social and emotional learning across K-12 settings;
4. Expand on the SEL pillar of ODE’s [Integrated Model for Mental Health](#);
5. Describe the necessary components and conditions to create a [Transformative SEL ecosystem](#) in schools and districts; and
6. Define [Oregon’s Transformative SEL K-12 Student Standards](#) that will be taught, modeled, coached, and nurtured in schools and districts.

Oregon’s Transformative SEL Framework describes the conditions that transform learning environments to support whole child approaches in meeting the full scope of students’ social, emotional, and academic needs. These conditions include partnerships, policies, and practices that support both Adult and Student SEL. The conditions and Oregon’s Transformative SEL K-12 Student Standards are reciprocal and dynamic; the more everyone in the system develops and enhances their social and emotional competence, the more capable they are of cultivating conditions for learning and thriving.

“Classrooms can be places of hope, where students and teachers gain glimpses of the kind of society we could live in where students learn the academic and critical skills needed to make it a reality” (Au et al., 2007).

Audience

Each partner in the learning community plays a role in supporting Transformative SEL and contributing to the overall well-being of the learning community.

Families and Caregivers are a child's first teacher and play a primary role in supporting children's social and emotional development. Families and caregivers are experts about their children. That makes them critical partners in supporting social and emotional learning efforts at home and in the learning community. When schools and families work together, they generate a circle of support for the child and strengthen their sense of belonging, agency, and capacity to co-create equitable learning environments.

Students are at the heart of Oregon's Transformative SEL Framework and supported by the entire learning community. Students have the right to learn in environments that honor their whole selves, including their aspirations, their interests, and their cultural and linguistic assets. Each student brings tremendous strengths and unique ways of being that contribute to a vibrant learning community, where they help create the conditions to support each other in their learning. When adults support students to develop agency, follow their curiosity, and affirm their developing identities, students are empowered to develop important life skills that lead to successful lives after graduation.

Educators (all adults working and volunteering with students) have the ability and capacity to create caring and equitable education environments where everyone can take risks with their learning. Because all learning is social and emotional, everyone in the educational system plays a role in supporting and developing student and adult SEL. When educators view themselves as reciprocal learners alongside students and families, they can better guide and facilitate learning that feels responsive, inclusive, and engaging. Educators' own critical awareness and identity development can be a lever for supporting students more equitably and holistically.

Educational Leaders are uniquely poised to prioritize, integrate, and build capacity for Transformative SEL for both adults and students because of their role in decision-making at a systems level. Leaders can guide and align instructional efforts and initiatives to build coherence in supporting the whole child by creating equitable systems, embedding Transformative SEL in ongoing professional learning and creating a culture of collaboration and well-being for all members of the school community. They are also in a position to humanize systems so that each student, family, and educator can access their potential.

Oregon's Shift to Transformative SEL

Schools often reflect the values and worldviews of the dominant culture; these in turn influence the behaviors of students and adults and the relationships and interactions between them (Milner, 2017). Historically, Social and Emotional Learning has been based on white, middle-class, American values (Hoffman, 2009) with a focus on emotions as individual states separate from the influences of culture (Mesquita, 2022), the social inequities in society, or the climate of the learning environment. This has led to a focus on adult control and student compliance grounded in a belief that emotions need to be managed and interventions need to target issues that are within the child and not within their school environment or larger society (McCall, et al., 2022). These traditional approaches to SEL have been used against students who are not members of the dominant culture as a way to reinforce the social, cultural, linguistic, and behavioral norms of the dominant culture (Allen et al., 2013; Jagers et al., 2019).

In order for SEL to be transformative, our policies, practices, and approaches will need intentional focus on how we create equitable learning environments that support students' personal and collective well-being. This entails more than following a curriculum or adding a program, but actually embedding SEL approaches into every content area and school interaction throughout the day.

This includes a shift in systems and a commitment to using:

- **Integrated learning opportunities** that are modeled, nurtured, and practiced in every context.
- **Culturally responsive practices** that affirm and honor students' ways of being, skill development in understanding cultural differences, and honoring students' unique strengths, perspectives, and contributions.
- **Systemic approaches** that consider the role and impact of the broader society and the learning environment on students' behavior and how this impacts the ways students view themselves.
- **Social justice** approaches that provide students with opportunities to reflect upon and understand the root cause of emotions related to our biases, stereotypes, prejudices, and discrimination.
- **Student agency and voice** (including non-verbal ways to communicate) become valued and necessary parts of the educational process, supporting students to take actions that challenge and change systems.

To fully actualize Transformative SEL in Oregon, there is a shift away from approaches limited to personal responsibility or student participation in a stand-alone curriculum. A Transformative SEL approach focuses on developing the skills to participate, improve, and change institutions and systems in a way that promotes equitable outcomes (Jagers et al., 2019; Westheimer & Kahne, 2004).



Figure 1 - The shift from personally responsible and participatory SEL to a Transformative SEL approach.
(CASEL, n.d.)

Oregon’s Transformative SEL Framework

Oregon’s Transformative SEL Framework utilizes the Collaborative for Academic Social and Emotional Learning (CASEL)’s definition of Transformative SEL. This approach extends SEL beyond personal development to help students and adults understand themselves in the context of a society, with all its inequities and possibilities for change.

“Transformative Social Emotional Learning is a **process** whereby young people and adults build strong, respectful, and lasting, relationships that facilitate **co-learning to critically examine** root causes of inequity, and to develop **collaborative solutions** that lead to personal, community, and societal well-being” (CASEL, n.d.).

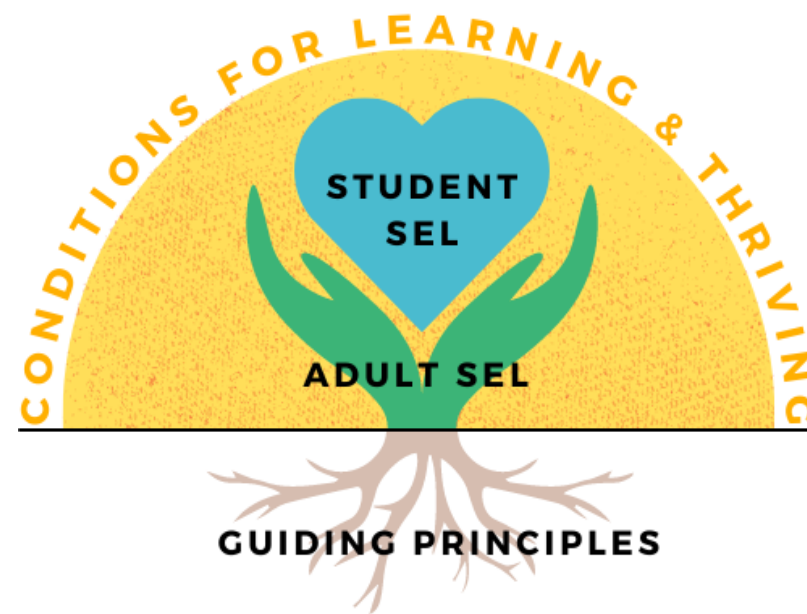
Oregon’s vision for Transformative SEL builds on this definition in the following ways:

- **Transformative SEL is a process.** A transformative approach to SEL is not confined to a single person, lesson, or specific time of the day, or a one-size fits all program or curriculum. Instead, it’s an ongoing process and practice of how adults and students show up for one another. When Transformative SEL is embedded throughout the day, it has the potential to humanize the learning environment by honoring students’ and adults’ lived realities of race, class, culture, and other intersectional identities.
- **Transformative SEL is about facilitating co-learning.** A transformative approach to SEL values how adults and students can learn with and from one another. When there is shared learning and decision-making, and when educators take a purposefully curious approach that is guided by the lived experiences and collective wisdom of the community, then student engagement, collaboration, and creative problem-solving thrives.
- **Transformative SEL is about critically examining root causes of inequity.** A transformative approach to SEL provides ways for adults and students to increase their awareness of the systems and structures that influence their attitudes, beliefs, behaviors and interactions. It empowers them to critique, challenge and change the systems that lead to inequities through civic action.
- **Transformative SEL is about developing collaborative solutions.** A transformative approach to SEL harnesses students’ sense of agency through intentional partnerships that lead to improving systems and cultures in their schools and communities.

Oregon's Transformative SEL Framework Components

The following four components are essential to creating an ecosystem for Transformative SEL to thrive in classrooms, schools, and communities:

- 1. Guiding Principles:** Serve as the foundational values and beliefs that are woven throughout the framework to guide decisions about how the standards are implemented.
- 2. Conditions for Learning & Thriving:** Describes how partnerships, policies, and practices cultivate an ecosystem of Transformative SEL.
- 3. Adult Transformative SEL:** Focuses on improving adult well-being, creating a positive work environment, and increasing competence so that adults can teach, model, coach, and nurture SEL with their students.
- 4. Student Transformative SEL:** Fosters opportunities for students to develop and practice their knowledge, skills, habits, and dispositions. Oregon's Transformative SEL K-12 Student Standards are a pathway to nurturing Student SEL.



189

Figure 2 - Oregon Transformative SEL Framework: The structure, connection, and relationship of the 4 components: Guiding Principles, Conditions for Learning and Thriving, Adult Transformative SEL, and Student Transformative SEL Standards.

All of the components are necessary to support the success of Transformative SEL in schools and districts. Each component intentionally complements and reinforces the others in a reciprocal and dynamic way.

Oregon’s Transformative SEL Ecosystem

Oregon’s Transformative SEL Framework depicts an ecosystem of the four components that are interrelated to provide a holistic approach for supporting human growth, development and well-being: Guiding Principles, Conditions for Learning and Thriving, Adult Transformative SEL, and Student Transformative SEL. In nature, optimal growth and renewal requires a harmonious balance of environmental elements: sunshine, water, nutrients, a healthy atmosphere, and care come together to nurture plants to flower and bear fruit. Similar relationships exist in a school system where it is necessary to create, develop, and sustain an inclusive, affirming, and equitable learning environment where every student and adult can show up as their best and authentic self.

Component 1: Guiding Principles

What are the foundational values and beliefs that will inform and guide decisions about how the Transformative SEL Standards are implemented and supported?



Oregon has taken an intentional approach to Transformative SEL that engages the entire school community (students, families & caregivers, educators, and community partners) and is anchored in five guiding principles that are foundational when implementing Transformative SEL. The Guiding Principles are vital in an SEL ecosystem as they are the values that will help guide decision-making and successful implementation of Transformative SEL.

The following Guiding Principles are dynamic, interdependent, and critical for successfully implementing Transformative SEL:

Culturally Responsive

A culturally responsive approach to Transformative SEL means the implicit recognition and incorporation of the cultural knowledge, experience, and ways of being and knowing of students in teaching, learning, and assessment. This includes identifying, valuing, and maintaining a high commitment to students' cultural assets in instruction and assessment, as well as their diverse frames of reference that correspond to multifaceted cultural perspectives/experiences, and finally the classroom behaviors which can differ from White-centered cultural views of what qualifies as achievement or success. **This means creating a climate that values and integrates linguistic and cultural ways of knowing and being so all students feel seen, affirmed, and valued.**

Community Responsive

A community responsive approach to Transformative SEL centers a community's context and variety of lived experiences. It is inherently mindful of what writer Chimamanda Ngozi Adichie (TED, 2009) describes as, "The Danger of a Single Story," which contributes to generalizations and assumptions about focal groups wherein culture is often conflated with and essentialized around race. Community refers to the cultural, political, social, spiritual, and economic spaces and places that shape student, staff, and family realities. **A community responsive approach to Transformative SEL is equity-centered and, by default, culturally responsive and grounded in the particular needs and interests of the community it serves.**

Strengths-Based

A strengths-based approach to Transformative SEL affirms all forms of identities and abilities through honoring individual and community backgrounds such as race, culture, language, lived experiences and equity in access to education for students experiencing disabilities. A strengths-based approach focuses on individual and systemic protective factors that enhance and promote health and well-being rather than emphasizing what is not working or needs to be "fixed." Using a strengths-based approach does not focus on identifying and remedying problems, or on attempts to fix kids, because such approaches imply that kids are broken. Instead, a strengths-based approach addresses the conditions, systems, and structures that can harm students (Venet, 2021). **This means showing unconditional positive regard and high expectations for students through scaffolded support, relationship-building, compassionate communication, and community-building.**

Trauma-Informed

A trauma-informed approach to Transformative SEL recognizes that all forms of oppression cause traumatic stress and that relationships, when navigated with care, can mitigate harm and maximize opportunities for individual and collective healing and wellness. Trauma-informed principles and care practices recognize behavior as communication and coping; they seek to understand the *why* behind behaviors. It also recognizes that individuals are not defined by their traumatic experiences or responses to them: people are more than the trauma they have experienced. **Predictable, consistent, positive, and healthy social and physical environments and relationships help our brains learn, develop, and grow by strengthening neural pathways that regulate our nervous systems and prime our brains, minds, and bodies for regulation and new learning** (Perry, 2009; Hammond, 2015; Hansen, 2018; Burke Harris, 2018).

Grounded in Neuroscience and the Science of Learning

A neuroscience approach to Transformative SEL ensures structures, policies, programs, practices, interactions, and physical learning environments are informed by and align with the most up-to-date learning and unlearning (e.g., neuromyths) in Mind, Brain, & Education (MBE) science. MBE is the field that brings together neuroscience, psychology, and education.

Examples include, but are not limited to, understanding:

- a) how the brain’s neuroplasticity (the process of continuously adapting, growing, rewiring, and reorganizing) facilitates all learning, unlearning, relearning, growth, and healing (Dweck, 2006, 2016; Hansen, 2018; Tokuhama-Espinosa, 2018; Boaler, 2019).
- b) how neurodiversity acknowledges that every human brain is different and unique in order to help us appreciate and respect our differences and human potential (Armstrong, 2010; Prat, 2022; Ellis, Kirby, & Osborne, 2023).
- c) how the prevalence of neuromyths (the misunderstandings or misconceptions about the brain and how it functions) can cause harm and limit human potential, recognizing that educators’ beliefs in neuromyths are “...one of the greatest, if not *the* greatest, barriers to improving education” according to *MBE* experts (Tokuhama-Espinosa, 2018).

Component 2: Conditions for Learning and Thriving

How might we intentionally humanize systems, policies, and practices to support Transformative SEL?



To support, implement, and facilitate Transformative SEL across the educational ecosystem, it is essential to create conditions for learning and thriving across social contexts, systems, and learning environments. A Transformative SEL approach moves away from focusing on student deficits, and moves towards the changes that need to happen within the school and district environment itself. Creating equitable environments where students and adults can learn and thrive means creating intentional alignment

across partnerships, policies, and practices. Designing a Transformative SEL Framework for Oregon that serves everyone within and across the education system means it is the responsibility of everyone in the system.

“SEL is understanding the environment around you and your own emotions, and how to deal with it and help others.”
- Oregon Student

This quotation comes from student engagement with the Oregon Health Authority Statewide Youth Health Council and Youth Era.

SEL is critical to learning, to human connection, and to creating caring, just, inclusive, and healthy schools. In Alex Venet’s book, *Equity-Centered Trauma Informed Education* (2021), she suggests that schools need to understand how inequity causes harm and examine how the conditions within schools “cause, exacerbate, or perpetuate or trauma” (Venet, 2021, p. xviii). Her research advocates for shifting away from solely addressing the impact of trauma in students to addressing the causes of trauma by finding solutions in transformed structures and systems. A comprehensive SEL framework encompasses changes on the levels of school policy and culture, recognizing that student actions and attitudes are influenced by their contexts and not their individual choices alone.

SEL instruction that focuses solely on individual students, and not the social systems around them, can in fact exacerbate inequities and cause further harm to students. For these reasons, it is critical for us to “[e]xamine and interrogate how SEL frameworks have been weaponized

against Black and Brown young people in schools,” and “[i]dentify if there are ways that SEL might be used in [the] classroom, school, or workplace with punitive and disciplinary measures,” notes the Communities for Just Schools Fund (2020, p. 48). In order to mitigate these inequities and injustices, a Transformative SEL approach that is comprehensive and systemic can enact changes at the district and school culture and policy level by recognizing that student actions and attitudes are influenced by their contexts and not their individual choices alone.

To intentionally focus on historically and currently underserved communities, ODE's culturally specific [Student Success Plans](#) were reviewed and analyzed to help identify the essential elements that would support a Transformative approach to SEL. Three themes emerged as systemic approaches to promote the necessary conditions for learning and thriving where every students' social, emotional, and academic needs can be met: cultivate authentic partnerships; adopt equitable practices; and create thriving learning environments.

Cultivate Authentic Partnerships

Transformative SEL can help address various forms of inequity and empower students and adults to co-create thriving schools. Students, families/caregivers, community organizations and schools learn together to create a dynamic, mutually reinforcing, and an ever-changing environment that supports the development and maintenance of healthy school communities. School communities benefit when there are two-way communication channels, shared decision-making, and a commitment to being responsive to the needs and aspirations of students and adults in the education system. Identifying power dynamics, creating trusting relationships and co-constructing an environment that cultivates community health and well-being is essential to the conditions where students, families, and school staff can thrive.

Adopt Equitable Policies

To lead transformational change in district and school systems, leaders can create policies that prioritize student and adult safety, belonging, agency, and well-being. This means addressing key policy areas that impact employment practices, diversity in candidates, and retention efforts. It is important to create discipline policies which support practices that meet student needs, help repair harm, promote community healing, and collaborate on problem-solving to honor a sense of connectedness and belonging to the school community. Continuous improvement efforts that incorporate routine engagement and involvement, disaggregated data collection, and root cause analysis, can support policies that improve learning environments and practices that are humanizing, and healing.

Create Thriving Learning Environments

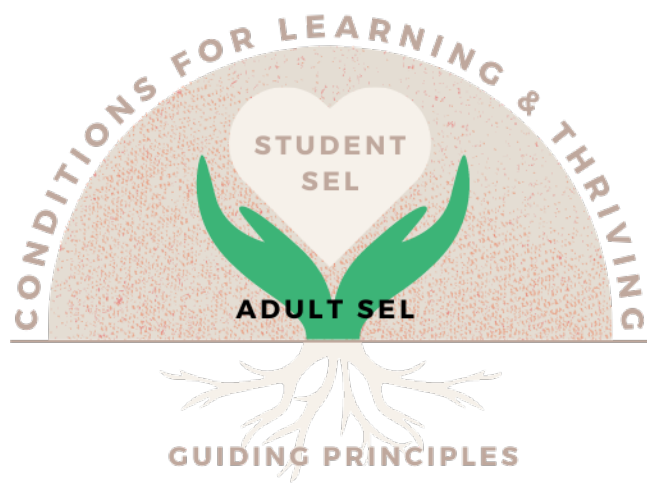
It’s important to consider how students and adults experience learning in order to create meaningful environments, engaging learning opportunities, and nurturing relationships where every person can thrive. In a Transformative SEL approach, adults build community and facilitate routines and rituals that promote healing and belonging. In these environments, students have opportunities for reflection, input and feedback about their learning experiences in classrooms and schools that support their sense of agency and affirm their personal, cultural, racial and academic identities. If students and adults work together to co-construct the classroom and school community, where everyone’s stories, cultures, history and voices are represented, then everyone is empowered to create an equitable learning environment where all can thrive.

“It’s the environment that matters.”
- Oregon Student

This quotation comes from student engagement with the Oregon Health Authority Statewide Youth Health Council and Youth Era.

Component 3: Adult Transformative SEL

What resources, supports, and conditions do adults need to nurture their own well-being while teaching, modeling, coaching, and nurturing student Transformative SEL?



Adult beliefs, mindsets, and behaviors are essential preconditions for achieving equitable student outcomes.

Implementing Transformative SEL includes prioritizing adult learning, critical reflection, ongoing support, and robust resources that nurture transformative communities of practice.

Prioritize Adult Well-being

Regulated adults help students better regulate themselves. People co-regulate using mirroring neurons to attune to

people around us (Blaustein & Kinniburgh, 2018; Perry, 2019). The same mechanisms that support student learning also support adult well-being. Focusing on the social and emotional competence of adults can improve adult well-being, create positive work environments, increase

feelings of competence, and support adults in embodying, modeling, coaching, and nurturing Transformative SEL for students.

Transformative SEL does not fix everything. Rather, it is the ongoing practice of abilities that helps us navigate life’s complex pathways. District and school level actions that support a culture of well-being include providing structures for adult connection, collaboration, and self/community-care.

Embed Transformative SEL in Professional Learning

Professional learning opportunities should prioritize the role Transformative SEL plays in day-to-day functioning and how it impacts interactions, relationships, behaviors, and equitable learning environments for students and adults. Adult support includes integrating Oregon’s Transformative SEL K-12 Student Standards in the district and building-level professional development and teacher professional development plans as part of the strategic improvement planning across our state educational systems.

Build on Oregon’s Transformative SEL Standards in Educator Preparation Programs

School districts can support and enhance pre-service teachers’ understanding of Transformative SEL by ensuring cooperating teachers and mentors are also supported in their Transformative SEL development. Transformative SEL informs the deep school systems to support this learning and implementation for the newest professionals.

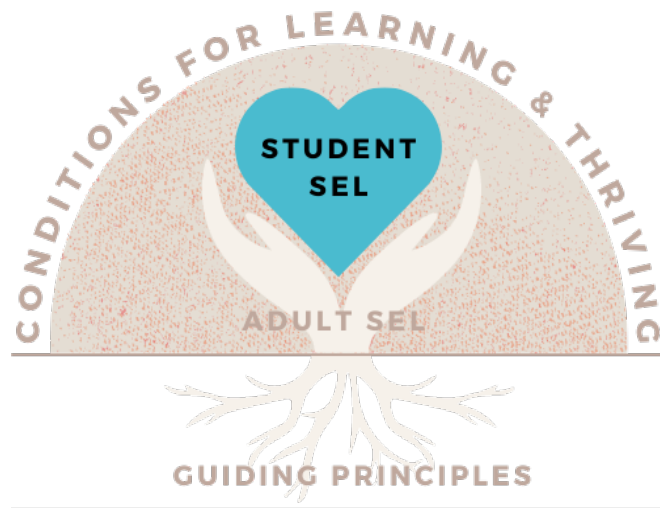
As of 2023, pre-service teachers participating in an Oregon educator preparation program are introduced to Transformative SEL through modeled and embedded competencies within their coursework. Every educator preparation program in Oregon is required to align their program to [OAR 584-410-0075 Social and Emotional Development to Promote Equity](#). A guide to these standards can be found on the [TSPC Website](#).

“SEL is the idea of learning how to “human” (for lack of a better way to phrase it) by example from your teachers and other school staff, because you don’t ever stop developing your brain.”
-Oregon student

This quotation comes from student engagement with the Oregon Health Authority Statewide Youth Health Council and Youth Era.

Component 4: Student Transformative SEL

What do students need to know and be able to do to develop and grow in their Transformative SEL?



Student Transformative SEL is intentionally nested within the other components of the framework because student success rests upon the local school’s commitment to all four interconnected components. Student Transformative SEL relies upon learning environments that embody the guiding principles, cultivating Transformative SEL for adults, and creating equitable conditions for learning and thriving within classrooms, schools, and across the educational experience.

Oregon’s Transformative SEL K-12 Student Standards support local schools in ensuring Student Transformative SEL. The five standards were developed by braiding CASEL’s descriptors for each of the five competencies (Self-Awareness, Self-Management, Social Awareness, Relationship Skills, and Responsible Decision-Making) with the five transformative SEL focal constructs (Identity, Agency, Belonging, Collaborative Problem-Solving, and Curiosity) as shown in Figure 3.



Figure 3 - CASEL’s Five SEL Competencies Braided with CASEL’s Five SEL Transformative Focal Constructs.

The five standards include a combination of competencies, processes, dispositions, skills, and abilities that help students understand, prevent or mitigate toxic stress, trauma, and its impacts. They also provide guidance for adults about what to consider when creating equitable environments where every student can learn and thrive.

Integrated Approach

SEL approaches not only provide benefits to a student’s social emotional skills, but these approaches also provide benefits to student academic success. While there have been several studies on this topic, one of the largest studies was a 2011 meta-analysis that reviewed findings from 213 school-based SEL programs and involved over 270,00 students in total (Durlak et al., 2011). One of the key findings from that meta-analysis was that compared to the control groups, the students who participated in SEL “...demonstrated significantly improved social and emotional skills, attitudes, behavior, and academic performance that reflected an 11-percentile-point gain in achievement” (Durlak et al., 2011, p. 405). Additionally, strong SEL abilities are associated with long-term outcomes such as increased graduation rates, greater college completion, and ability to obtain stable employment (Jones et al., 2015). It is clear that relationships and context matter, as evidence continues to show that supporting SEL in the academic context improves learning.

“Schools seem to be more focused on what they are teaching rather than who they are teaching.”
- Oregon Student

This quotation comes from student engagement with the Oregon Health Authority Statewide Youth Health Council and Youth Era.

Oregon’s Transformative SEL K-12 Student Standards, with related practices and growth indicators, find balance between being broad enough to be flexible and specific enough to be useful for adults and students across all contexts. They can be useful when explicitly presented and discussed, when integrated across curricula and school/community processes, when implemented universally with students, and when utilized with expanded methods of support for students with diverse learning or instructional needs. While the standards are developed for students, Oregon’s Transformative SEL K-12 Student Standards are life-long and essential employability skills that do not end after 12th grade. Adults can use the Transformative SEL standards to design learning environments and opportunities for students, as well as to embody, model, teach, and coach the standards.

Developmentally and Culturally Responsive

All students should be able to access the standards, regardless of where they are in their Transformative SEL development. This includes understanding that stress, toxic stress and traumatic stress (racism, oppression, and microaggressions are forms of toxic stress and trauma) can impact students’ SEL. To be culturally responsive while meeting the standards and benchmarks, additional indicators may need to be included and adapted to be responsive to individual learning contexts, cultures, populations of students, and communities.

Oregon’s Transformative SEL K-12 Student Standards consider the developmental progression of students. The National Association for the Education of Young Children describes this concept as follows:

Building on each child’s strengths—and taking care not to harm any aspect of each child’s physical, cognitive, social, or emotional well-being—educators design and implement learning environments to help all children achieve their full potential across all domains of development and all content areas. Developmentally appropriate practice recognizes and supports each individual as a valued learning community member. As a result, to be developmentally appropriate, practices must also be culturally, linguistically, and ability appropriate for each child. (NAEYC, n.d.)

Oregon’s Transformative SEL K-12 Student Standards were created with this definition and lens in mind so that there is flexibility in being responsive to students’ strengths and needs. The standards are written in such a way that depending on any given moment, or within any context or environment, everyone can show up differently along the progression. **For this reason, the standards are intentionally not written in grade bands, as this may contradict developmentally appropriate practices.**

Role of Curriculum and Assessment

Oregon’s Transformative SEL K-12 Student Standards support educational equity in multiple ways, such as promoting whole-child development, elevating the social and interconnected nature of learning, advancing the belief that all children can learn, developing young people’s skills to navigate across social contexts, and providing ways to improve relationships between students and adults.

Oregon’s Transformative SEL K-12 Student Standards are not a way to test or identify student deficits, and they are not a one-size-fits-all curriculum or an additional program that is added on top of everything else. Rather, the intention of Oregon’s Transformative SEL K-12 Student

Standards is to provide an intentional approach to building on student assets, creating a sense of belonging, and developing agency and identity. The standards are not meant to decide appropriate behavior or as a means for identifying, tracking, or excluding students in ways that have historically led to disproportionate outcomes for students. In partnership with families and caregivers, they provide ongoing formative opportunities for reciprocal feedback that includes dialogue, reflection, goal-setting and increasing individual and collective awareness and growth.

Standards, Practices and Growth Indicators

While HB 2166 (2021) required ODE to create K-12 student standards, in order to fully actualize Transformative SEL, there is equal emphasis on creating supportive conditions and practices to optimize learning and growth of all individuals within the educational system. The approach taken to these standards involves both individual and communal practices that cultivate and nurture Transformative SEL across the system. The standards, practices, and growth indicators start with verbs so that the phrase, “I can...” and “We can...” could be used individually and collectively, as aspirational for a learning community. This honors cultural backgrounds, collectivist values, and the belief that throughout life, everyone is continuously developing and practicing their social and emotional skills. This values everyone in the educational system as responsible for creating the conditions and the opportunities to model, teach, coach, and practice Transformative SEL.

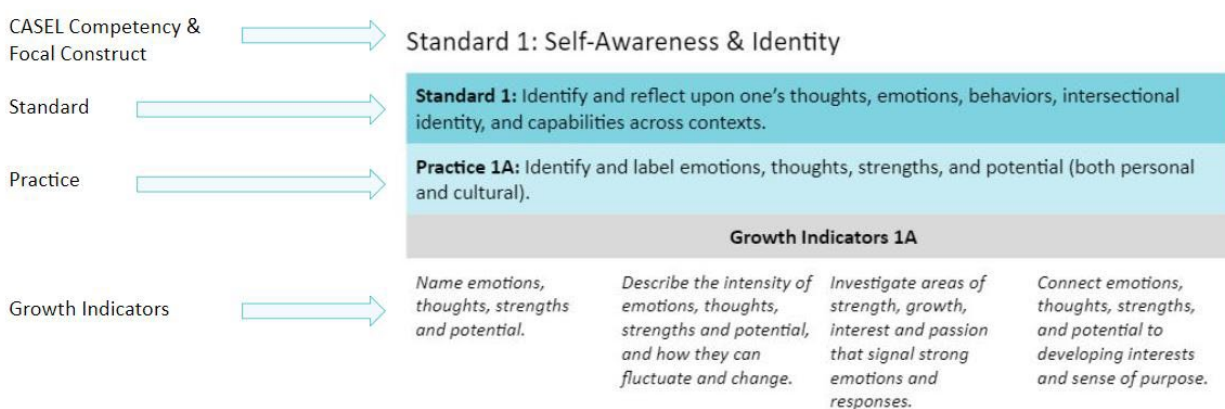


Figure 4 - Elements of Oregon’s Transformative SEL Standards

Oregon's Transformative SEL K-12 Student Standards describe what a student needs to know, understand, and be able to do when it comes to Transformative SEL. Each standard includes 3-4 practices that demonstrate progression towards meeting the standard with more focused knowledge and skill. Each practice also includes a set of four growth indicators organized by Webb's Depth of Knowledge (Webb, 1997, 1999), providing guidance on what these may look like in action and indicate growth towards the practice and standard. The growth indicators are also intended to help guide adults in making decisions about what learning opportunities are most appropriate for use with individual students and the learning community as they learn, practice, and reflect on how they are making progress towards the standards. The growth indicators serve as a useful guide for implementation and are an optional resource.

Oregon’s Transformative SEL K-12 Student Standards

Standard 1: [Self-Awareness](#) & [Identity](#)

Standard 1: Identify and reflect upon one’s thoughts, emotions, behaviors, intersectional identity, and capabilities across situations and environments.

Practice 1A: Identify and label emotions, thoughts, strengths, and potential (both personal and cultural).

Growth Indicators 1A

Name emotions, thoughts, strengths and potential.

Describe the intensity of emotions, thoughts, strengths and potential, and how they can fluctuate and change.

Investigate areas of strength, growth, interest and passion that signal strong emotions and responses.

Connect emotions, thoughts, strengths, and potential to developing interests and sense of purpose.

Practice 1B: Understand the stress response system (regulation and dysregulation) and what environments and experiences activate those responses.

Growth Indicators 1B

Identify physiological cues related to the stress response system and what they look like, feel like, and sound like.

Interpret environmental and experiential cues for dysregulation that activate the stress response system, and what environments or experiences support regulation.

Draw conclusions about what stress response state that one is experiencing based on the identified cues.

Apply concepts of the stress response system to identify tools to help regulate across situations and environments.

Practice 1C: Reflect on and evaluate how one’s emotions, thoughts, and perspectives (including values, biases, and prejudices) can influence behavior.

Growth Indicators 1C

Identify one’s emotions, thoughts, perspectives, and behaviors.

Infer causes of one’s emotions, thoughts, perspectives, and behaviors.

Assess consequences of behaviors based on one’s emotions, thoughts, and perspectives.

Analyze patterns of behavior based on one’s emotions, thoughts, and perspectives over time.

Standard 1: Identify and reflect upon one’s thoughts, emotions, behaviors, intersectional identity, and capabilities across situations and environments.

Practice 1D: Analyze personal and social intersectional identities and positionality, and how they relate to one's interests, purpose, and sense of belonging.

Growth Indicators 1D

Define and ask questions about one’s personal and social intersectional identity and positionality.

Describe one’s personal and social intersectional identity and positionality.

Assess one’s personal assets related to intersectional identity (including personal and cultural strengths, areas for growth, and aspirations) and how they relate to a sense of purpose.

Analyze how one’s intersectional identity impacts the perspectives of self and others, and how this is connected to one’s sense of belonging.

Standard 2: [Self-Management](#) & [Agency](#)

Standard 2: Use management strategies to build personal and collective agency that lead to achieving goals and aspirations.

Practices 2A: Manage and express thoughts, emotions, impulses, and stressors in ways that affirm one’s identity.

Growth Indicators 2A

Notice and label thoughts, emotions, impulses, and stressors.

Recognize the cause and effect relationship of expressing thoughts, emotions, impulses, and stressors across situations and environments.

Compare and utilize different strategies and skills to manage and express thoughts, emotions, impulses, and stressors.

Analyze thoughts, emotions, impulses, and stressors, how they are internalized and externalized, and the impact these have on oneself and others.

Practices 2B: Use management strategies while recognizing that various situations and environments may require different approaches for achieving personal and collective goals and aspirations in ways that affirm one’s identity.

Growth Indicators 2B

Name a variety of management strategies and skills.

Identify which management strategy to use across situations and environments.

Assess how the management strategies were used across situations and environments.

Analyze how management strategies and skills impact oneself, others, and the community.

Practices 2C: Plan, evaluate, and achieve personal and collective goals and aspirations.

Growth Indicators 2C

Identify personal and collective goals and aspirations.

Construct a plan to meet personal and collective goals and aspirations.

Assess and evaluate one’s actions to achieve personal and collective goals and aspirations.

Analyze the impact of achieving personal and collective goals and aspirations and make adjustments as necessary.

Practices 2D: Develop personal and collective agency by using various forms of communication (i.e. verbal, body language, written, etc.) to make choices and take initiative.

Standard 2: Use management strategies to build personal and collective agency that lead to achieving goals and aspirations.

Growth Indicators 2D

Define personal and collective agency, and name the skills needed in order to take initiative.

Apply personal and collective agency by showing courage and taking initiative.

Assess the impact of personal and collective agency while identifying barriers that contribute to or restrict agency.

Critique and remove barriers that restrict personal and collective agency.

Standard 3: [Social-Awareness](#) & [Belonging](#)

Standard 3: Develop social awareness that fosters a sense of belonging and leads to co-constructing equitable, thriving communities and a vibrant society.

Practice 3A: Demonstrate awareness and understanding of the similarities and differences that define, influence, and affirm personal and collective identities (i.e. abilities, histories, cultures, perspectives, and languages, etc.).

Growth Indicators 3A

Recognize and identify factors that define and influence personal and collective identities.

Distinguish between similarities and differences that define and influence personal and collective identities.

Formulate and assess strategies used to affirm personal and collective identities.

Analyze and critique why factors influence personal and collective identities.

Practice 3B: Apply social skills (i.e., empathy, compassion, etc.) to develop and maintain healthy relationships that collectively achieve mutual goals while affirming identities and perspectives.

Growth Indicators 3B

Identify the social skills necessary for healthy relationships and achieving goals.

Recognize in oneself and others how social skills affect relationships and achieving goals.

Use social skills to collectively achieve mutual goals that affirm identities and perspectives.

Analyze and critique the health of relationships and whether they affirm identities and perspectives.

Practice 3C: Foster a sense of belonging that cultivates acceptance, support, inclusion, and encouragement of others within a diverse community, while addressing the impact of systemic injustices across situations and environments.

Growth Indicators 3C

Identify and define the qualities of belonging within a diverse community.

Distinguish how systemic injustices across situations and environments affect a sense of belonging.

Demonstrate qualities that foster a sense of belonging in a diverse community.

Evaluate how one’s responses to situations and environments can impact systemic injustices and foster a sense of belonging.

Standard 4: [Relationship Skills](#) & [Collaborative Problem-Solving](#)

Standard 4: Establish and maintain healthy, supportive relationships and effectively navigate diverse settings in order to collaboratively solve problems.

Practice 4A: Form authentic relationships that encourage autonomy while building cultural awareness and empathy through various forms of communication (i.e. verbal, auditory, body language, written, etc.).

Growth Indicators 4A

Identify how backgrounds can be similar and different and recognize that people may experience situations differently.

Use strategies for accepting, respecting, and supporting similarities and differences between oneself and others.

Assess communication skills to highlight the personal strengths and unique contributions of relationships with others.

Demonstrate empathy through various forms of communication to work collaboratively with others.

Practice 4B: Demonstrate empathy and affirm other’s perspectives during teamwork and collaborative problem solving.

Growth Indicators 4B

Understand the needs and emotions of others, and identify ways others are similar and different from oneself.

Recognize how to respond to the various social, verbal, physical, and situational cues of others while practicing personal and collective agency.

Adapt strategies for accepting, respecting, and supporting similarities and differences between oneself and others.

Connect how one’s communication and cultural identity influence perspectives and how it might differ from others.

Practice 4C: Recognize and acknowledge when there is harm to self and others and identify when support, agency, and practices to repair and restore are needed.

Growth Indicators 4C

Identify when someone is experiencing harm or when there is a conflict that needs to be resolved.

Recognize when a conflict is able to be resolved between peers and when to seek outside support.

Repair and restore relationships with individuals and to communities where harm has occurred.

Reflect on participation in practices that repair and restore harm to individuals or community groups.

Standard 4: Establish and maintain healthy, supportive relationships and effectively navigate diverse settings in order to collaboratively solve problems.

Practice 4D: Restore relationships through actively engaging with others, working collaboratively, and affirming cultural and social perspectives.

Growth Indicators 4D

Identify ways to solve a problem that is culturally sensitive to the perspective of those involved.

Use collaborative problem solving skills to resolve conflict in a way that is culturally responsive to those involved.

Understand the context and perspective from which others are making decisions and actively use collaborative approaches to problem solving.

Analyze the impact of working together to strengthen relationships by affirming cultural and social perspectives.

Standard 5: [Responsible Decision-Making](#) & [Curiosity](#)

Standard 5: Demonstrate curiosity and analysis of oneself and society in order to make caring choices that impact personal, social, and collective well-being across situations and

Practice 5A: Demonstrate curiosity and open-mindedness while using critical thinking skills across various situations and environments.

Growth Indicators 5A

Define and recognize curiosity, open-mindedness, and critical thinking.

Show, interpret, and make observations of curiosity, open-mindedness, and critical thinking across situations and environments.

Develop, explain and investigate opportunities to be curious, open-minded, and think critically across situations and environments.

Apply the concepts of curiosity, open-mindedness, and critical thinking to make choices and understand the impact across situations and environments.

Practice 5B: Make informed choices and identify solutions for personal and social injustices after analyzing all types of information.

Growth Indicators 5B

Use information, data, and/or facts to define, and recognize choices and solutions for personal and social injustices.

Interpret, and make observations about information, data, and/or facts to construct choices and solutions for personal and social injustices.

Cite information, data, and/or facts to develop informed choices and solutions for personal and social problems.

Design solutions for personal and social injustices based on information, data, and/or facts, and analyze the impact of choices.

Practice 5C: Anticipate, reflect and evaluate the impacts of one’s choices and contributions in promoting personal, family, and community well-being.

Growth Indicators 5C

Identify, define and recognize choices and contributions in promoting personal, family, and community well-being.

Make observations and show how choices and contributions promote personal, family, and community well-being.

Anticipate and explain how choices and contributions promote personal, family, and community well-being.

Reflect and evaluate the impact of choices and contributions in promoting personal, family, and community well-being.

Appendices

Glossary of Competencies & Focal Constructs

Agency

Agency confers the wherewithal to impact positively on this psychological and social reality. It reflects hope and self-direction. Agency is focal among self-management competencies and signifies perceived and actual capacity to effect change through purposeful action. This may include having voice and making choices about learning and career goals, overcoming personal challenges, and engaging in collaborative problem solving. Agency is key to young adults' success, allowing them to take intentional actions to shape the course of their lives. Agency also includes collective efficacy, which has been shown to improve teachers' abilities to improve school outcomes for students from under-resourced communities and to increase coordinated actions among adolescents and adults that contribute positively to civic life (CASEL, n.d.).

Belonging

Belonging suggests the sense of connectedness and trust needed to engage in co-constructing an equitable, thriving local community and vibrant civil society. It enhances self-worth. Belonging is focal among social awareness competencies and connotes experiences of acceptance, respect, and inclusion within a group or community. It implies not only feeling recognized but also being fully involved in relationship-building and co-creating learning spaces. Having a sense of belonging is critical to students' and adults' cognitive, social, and emotional well-being, as well as school and work satisfaction and academic motivation and achievement (CASEL, n.d.).

Collaborative Problem-Solving

Collaborative problem-solving acknowledges and helps realize the collective rights and responsibilities of full citizenship in local, national, and global community contexts. It is a critical feature of efforts to pursue equity and excellence. Collaborative problem-solving is focal among relationship skills' competencies and reflects a complex skill set in high demand in our increasingly multifaceted local, national, and global contexts. Distinct from collaborative learning and collaborative decision making, collaborative problem-solving is defined as the capacity of an individual to effectively engage in a process whereby two or more people attempt to solve a problem by sharing the understanding and effort required to come to a solution and pooling their knowledge, skills, and efforts to reach that solution (CASEL, n.d.).

Curiosity

Curiosity reflects the deep need to continuously surface and curate information about oneself in relation to others and the physical world. It prioritizes informed decision making based on open-minded investigation that sparks self-development and careful social analysis. Curiosity is focal among responsible decision-making competencies and can animate critical self- and social-analysis and action. Curiosity has both cognitive and affective elements that contribute to an enduring tendency to pursue knowledge and new experiences. As such, it appears to be essential to attention, engagement, and learning (CASEL, n.d.).

Identity

Identity implies understandings and sensibilities associated with multifaceted personal and social group statuses (often discussed in terms of intersectionality and positionality). It suggests self-reflection and self-respect. Identity is focal among self-awareness competencies and refers to how students (and adults) view themselves. Identity is multidimensional (e.g., race/ethnicity, socioeconomic status, gender, religion, values, interests, etc.), with each dimension having a level of importance and emotional tenor (positive/negative) that may change over time. These dimensions also intersect with each other (e.g., Latina teacher dedicated to a chronically under-resourced school, Indigenous transgender boy leading his school's yearbook club). Having a healthy sense of identity is important developmentally across the lifespan because it buffers against negative or traumatic experiences (e.g., stereotype threat or discrimination) and contributes to positive academic, social, and emotional outcomes (CASEL, n.d.).

Relationship Skills

Relationship skills are the abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups. This includes the capacities to communicate clearly, listen actively, cooperate, work collaboratively to problem solve and negotiate conflict constructively, navigate settings with differing social and cultural demands and opportunities, provide leadership, and seek or offer help when needed (CASEL, n.d.).

Responsible Decision-Making

The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations is known as responsible decision-making. This includes the capacity to consider ethical standards and safety concerns, and to evaluate the benefits and consequences of various actions for personal, social, and collective well-being (CASEL, n.d.).

Self-Awareness

Self-awareness centers around the ability to understand one's own emotions, thoughts, and

values and how they influence behavior across contexts. This includes the capacity to recognize one's strengths and limitations with a well-grounded sense of confidence and purpose (CASEL, n.d.).

Self-Management

Self-management is the ability to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations. This includes the capacity to delay gratification, manage stress, and feel motivation and agency to accomplish personal and collective goals (CASEL, n.d.).

Social-Awareness

The ability to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts is known as self-awareness. This includes the capacity to feel compassion for others, understand broader historical and social norms for behavior in different settings, and recognize family, school, and community resources and supports (CASEL, n.d.).

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Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

<p>SUBJECT: Oregon’s Transformative Social Emotional Learning (SEL) Framework & K-12 Student Standards</p> <p>STAFF NAME & OFFICE:</p> <ul style="list-style-type: none">● Alexa Pearson, Office of Teaching, Learning and Assessment● Vanessa Martinez, Office of Teaching, Learning and Assessment● Kristina Meinecke, Phase 2 SEL Advisory Group Member● Ricky Alemeida, Phase 2 SEL Advisory Group Member● Ali Feuerstein, Phase 2 SEL Advisory Group Member● Stacy Shown, Phase 2 SEL Advisory Group Member● Jenni Newton, Phase 2 SEL Advisory Group Member <p>The ODE SEL Specialist along with five members of the HB 2166 Phase 2 SEL Advisory Group will provide a first read of the SEL Framework & Standards proposed for adoption.</p>	<p><input checked="" type="checkbox"/> 1st Read</p>
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BACKGROUND

[House Bill \(HB\) 2166](#) was passed by the Oregon Legislature in 2021, with support from the Governor’s Racial Justice Council, community-based organizations, and the Oregon Department of Education (ODE). Section 4 of the bill directs ODE to convene an advisory group to propose to the State Board of Education (SBE): a) recommendations for standards for social emotional learning (SEL); and b) a recommended framework for SEL.

The first step in this process was the facilitation of the Phase 1 SEL Advisory Group to develop a report, “[Preliminary Description of the Proposed Social Emotional Learning Standards Framework: HB 2166.](#)” This report was presented to the State Board of Education on September 22, 2022 as an informational report. HB 2166 further requires the SBE to consider this report when adopting the SEL framework and standards for K-12 public school students.

The second step in this process was for ODE to facilitate the Phase 2 SEL Advisory Group that included 26 members from across the state and from a variety of roles: 7 TOSAS, 2 principals, 5 District admin, 2 Social Workers, 3 counselors, 5 teachers, 1 ESD Director, 1 Title VI Program Manager. The Advisory Group’s charge was to build from the recommendations in the preliminary report and develop Oregon’s Transformative SEL Framework with K-12 Student Standards. HB 2166 requires ODE to present the SEL framework and standards to the SBE for adoption no later than September 15, 2023 and for districts to implement no later than July 1, 2024.

During the development of the framework and standards, ODE hosted numerous feedback listening sessions where the SEL Framework and Standards were shared:

- Counseling Leadership Network (January 5, 2023)
- Oregon Association of Central Office Administrators Winter Conference (January 26, 2023)

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon's Transformative Social Emotional Learning (SEL) Framework & Student Standards

- Youth ERA (March 20, 2023)
- OHA Statewide Youth Health Council (March 21, 2023)
- LGBTQ2SIA+, Latinx/Indigenous, American Indian/Alaska Native, African American/Black Student Success Groups, SACSE, & English Learner Groups (March 21, 22, and 23, 2023)
- OAESD SEL/SEB Collaborative (April 21, 2023)
- LGBTQ2SIA+ Student Success Group (May 2, 2023)

A state-wide survey (590 respondents) was also open from March 17 - April 7 to get feedback on the draft of the standards. The survey included likert scale and qualitative questions for each of the standards on:

- Clarity: How clearly the standard describes what students need to know and be able to do
- Implementation: How easily they can see teaching and/or using this standard with students in the classroom, school, district, and community.
- Equity Impact: How might this standard cause unintended consequences to historically underserved student populations (i.e. students underserved because of disabilities, gender identity and expression, sexual orientation, and/or racial, cultural, or linguistic backgrounds)?

Throughout engagement, a variety of themes surfaced:

- Youth Engagement Listening Sessions (Youth Era & OHA Statewide Youth Health Council):
 - There is currently not enough focus on SEL in schools
 - Stand-alone SEL lessons are ineffective
 - Adults need to model SEL
 - Appreciate when SEL is integrated across all content areas and contexts of the school day
 - SEL should focus on developing skills in the areas of relationships, empathy, and communication
- Engagement Listening Sessions and State-wide survey:
 - What resonated:
 - Over 72% of respondents agreed/strongly agreed that all the standards were clear
 - 80% of respondents agreed/strongly agreed that they could see teaching and/or using all the standards with students in the classroom, school, district, and community
 - All adults are SEL teachers
 - The framework is grounded in adult & systemic SEL approaches
 - The whole school and district culture needs to embody Transformative SEL
 - Transformative SEL recognizes SEL must be culturally & linguistically responsive.
 - What Needs & Concerns surfaced:
 - Educators will need support with implementation and opportunities to collaborate
 - Professional learning will be necessary to mitigate bias
 - Indicators for each standard would be helpful
 - Measuring standards is problematic because of the role bias can play
 - Educators will need curriculum and instructional materials to support

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

- Adult SEL training and implementation should come before implementation of the SEL standards with students
- Some respondents do not believe SEL should be taught in schools and that schools should focus on reading, writing, and math

The Phase 2 SEL Advisory Group considered and incorporated feedback throughout the development and revision process of the Transformative SEL Framework and Standards.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board of Education received an informational update on the implementation of HB 2166 along with the [“Preliminary Description of the Proposed Social Emotional Learning Standards Framework: HB 2166”](#) report at the June 16, 2022 and the September 22, 2022 meetings. At that time, it was shared that HB 2166 requires this report to be considered when adopting the SEL Framework and Standards.

POLICY ISSUE OR CONCERNS

In 2011, a meta-analysis on SEL found that when students have supportive relationships and opportunities to develop and practice social, emotional, and cognitive skills across many different contexts, their academic learning accelerates (Durlak et al., 2011). There are hundreds of studies that offer consistent evidence that SEL bolsters academic performance. It is, however, important to consider that if SEL Standards are implemented incorrectly, it could cause systemic and racial inequities, deficit-based approaches, and further trauma and harm to students and families.

Positive Effects

While SEL supports academic outcomes, the benefits of SEL transcend academic achievement and can lead to a more just, vibrant, and inclusive society. In order to achieve this vision for SEL, schools need to understand how inequity causes harm and examine how the conditions within schools “cause, exacerbate, or perpetuate trauma” (Venet, 2021). SEL provides an intentional approach to building student assets, creating a sense of belonging, and developing agency and identity. SEL supports education equity in multiple ways such as promoting whole-child development, elevating the social and interconnected nature of learning, advancing the belief that all children can learn, developing young people’s skills to navigate across social contexts, and providing ways for improving relationships between students and adults.

SEL is intertwined with academic learning because all learning is social and emotional. It is critical for schools and districts to create culturally and racially affirming SEL practices that center equity and acknowledge students’ lived experiences within a socio-political context so every student can thrive.

SEL provides opportunities for all students to learn and build on skills that will support their academic development and build student agency. It helps create an inclusive and affirming school environment where everyone belongs. This can result in the reduction of overrepresentation in Special Education identification and exclusionary discipline practices, and an improvement to students’ sense of belonging and graduation rates.

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon's Transformative Social Emotional Learning (SEL) Framework & Student Standards

There has been an ongoing partnership with the Teacher Standards and Practices Commission (TSPC) who has also developed a [Transformative SEL Framework and Standards](#) for pre-service educator programs. The alignment between TSPC and ODE will support adults in Educator Prep Programs and those participating in Student Teacher Practicum placements with current Transformative SEL practices. This ensures that the future educator workforce will be trained in how to integrate Transformative SEL into their classroom and school community.

Oregon's Transformative SEL Framework and Standards will also build on the foundation of [Oregon's Early Learning and Kindergarten Guidelines](#) to continue to develop students' social and emotional learning and support adults with a systemic and integrated approach to implementation of SEL across K-12 settings. This is an area to continue to align and build from in our implementation phase of the work.

Finally, the pillars of ODE's [Integrated Model for Mental Health](#) are embedded across Oregon's Transformative SEL Framework and Standards to reinforce the overall health of the learning community that is essential for creating the conditions for students to learn, teachers to teach, and individuals to thrive.

Negative Effects/Barriers

Members of the Phase 1 and 2 SEL Advisory Groups had many conversations regarding the potential unintended consequences of only focusing on Student Standards and they recognized the importance of creating a systemic approach to SEL that supports the whole school and district community and that involves and includes adults.

Potential barriers include the possibility of the initiative not being adequately funded or supported, and ongoing implementation efforts and professional learning not being continuous and sustainable. Likewise, if SEL is implemented with a focus solely on addressing discrete student skills, without attention to addressing adult and systemic SEL approaches, SEL implementation may fail and cause harm. Student standards alone without explicit attention to the role adults and systems play have the potential to promote a deficit mindset related to student behaviors and abilities. SEL, without being grounded in racial equity, may perpetuate inequities through adults' implicit bias.

Furthermore, SEL has recently been misunderstood and mischaracterized in some highly visible media spaces which has impacted public perception and led to removing these intentional supports from schools. For these reasons, it remains important to clearly describe, define, and communicate that SEL is an integral component of teaching and learning in classrooms across Oregon, from kindergarten classrooms to high school.

Another key consideration is that there are districts and ESDs across Oregon that have already adopted social emotional standards, and most have developed those from CASEL's five competency areas (self-awareness, self-management, social awareness, relationship skills, and responsible decision-making). These districts and ESDs have spent money, resources, FTE, and time on instructional materials. The new Transformative SEL student standards are rooted in equity because they braid CASEL's five competency areas with CASEL's five focal constructs (identity, agency, belonging, collaborative problem-solving, and

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

curiosity). They will likely require a pivot in order to fully actualize the new SEL framework and standards in 2024. By contrast, districts who have not yet taken action will benefit from state supported SEL standards, professional learning opportunities, and instructional materials. This could feel as though the policy is penalizing early adopters of SEL practices, thereby creating implementation challenges.

Mitigation

Oregon’s Transformative SEL Framework and Standards incorporate and address key barriers as a way to mitigate unintended consequences and create a vision for a systemic approach to SEL. This includes:

1. **The Guiding Principles** are the values and beliefs designed to guide decisions and implementation efforts that are grounded in culturally and community responsive values, prioritize student strengths, and consider how environments and practices need to be trauma-informed and seen through a lens of neuroscience and the science of learning.
2. **The Conditions for Learning and Thriving** describe the ways to cultivate SEL across systems, policies, practices, and environments. This places the onus on system level shifts that need to happen so that the focus is not on student deficits or discrete skills alone. This is achieved through cultivating authentic partnerships, adopting equitable policies, and creating thriving learning environments.
3. **Adult SEL** considers the resources, supports, and conditions that adults need to nurture their wellbeing so that they can in turn support students with their Transformative SEL development. Their role in co-constructing learning environments and seeking feedback from students is foundational to creating conditions that support learning and thriving. When educators are supported in their own self-care and support one another, this allows them to show up for students where they can model and coach SEL alongside their students. The need for ongoing professional learning opportunities is essential to supporting educators with the implementation of Transformative SEL, as is exploring one’s biases and how to integrate SEL into the day-to-day functioning of the school community.
4. **Student SEL** recognizes that the K-12 Standards need to be integrated into every content area and context in the school day. The standards are created in a way to be nimble and flexible enough to be used by any adult and as individual and communal practices to cultivate and nurture Transformative SEL across the system. It is not a curriculum or program, but rather an approach to how adults and students show up for each other. Oregon’s Transformative SEL Framework describes how the standards are designed to be used as a formative way for adults to create opportunities for reciprocal feedback that includes dialogue, reflection, goal-setting and increasing individual and collective awareness and growth.

Some of the ways ODE is planning to support the implementation of Transformative SEL are to:

- Identify, and create where needed, supplemental instructional materials to support Transformative SEL practices through open and free resources
- Provide professional learning that supports pedagogical approaches to Transformative SEL.
- Create opportunities for districts to network and share promising practices during implementation

EQUITY IMPACT ANALYSIS

Oregon’s Transformative SEL Framework and Standards have been developed to live into the definition of Transformative SEL:

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

“Transformative SEL is a process whereby young people and adults build strong, respectful, and lasting, relationships that facilitate co-learning to critically examine root causes of inequity, and to develop collaborative solutions that lead to personal, community, and societal well-being. This form of SEL is aimed at redistributing power to more fully engage young people and adults in working toward just and equitable schools and communities. It emphasizes the development of identity, agency, belonging, curiosity, and collaborative problem-solving.” (CASEL).

The Phase 2 SEL Advisory Group was committed to developing a framework and standards that advance educational equity and excellence for every student. Oregon’s Transformative SEL Framework provides a **systemic approach to helping address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities.**

The framework and standards intentionally incorporate essential elements from ODE’s culturally specific [Student Success Plans](#) to support a Transformative approach to SEL with a **focus on historically and currently underserved communities.** Transformative SEL supports education equity in multiple ways such as promoting whole-child development, elevating the social and interconnected nature of learning, advancing the belief that all children can learn, developing young peoples’ skills to navigate across social contexts, and providing ways for improving relationships between students and adults that are grounded in authenticity.

SEL instruction cannot reach students unless **an understanding of the cultural contexts** in which students are raised exists. A Transformative approach moves away from SEL that elevates or privileges norms and values of individualistic cultures, which are dominant in the United States. We know that this can marginalize students from collectivistic cultures, deepening existing racial, ethnic, class, and gender disparities. To create the conditions for social, emotional, and academic development of students, a focus needs to be on the adults (school staff and parents) and the climate and culture of schools.

As Oregon’s Transformative SEL Framework is implemented and supported at the state level, it will be necessary to support districts in identifying and partnering with culturally specific organizations that are culturally responsive to the unique needs of local communities. ODE, in partnership with districts, will have much to learn from communities and families as we move forward together.

FISCAL ANALYSIS

Full implementation of Oregon’s Transformative SEL Framework and standards at the student and system level will take strategic and substantial investment in time, resources, collaboration, and leadership support at all levels of the education system. This will mean a systemic approach to implementation that involves everyone from district and school leaders to community partners and families. There could be additional fiscal costs to districts and ESDs as they support the new SEL Framework and Standards (professional learning, bringing teams together to collaborate, and additional FTE to support district level implementation).

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

Engagement and feedback has continued to elevate the need for a thoughtful implementation plan that considers what adequate resources and supports students, educators, caregivers, and community partners will require. Given that Transformative Social Emotional Learning is new in concept and there is **currently no aligned curriculum** to match the Transformative Standards (braiding the CASEL competencies with the focal constructs), implementation will require a heavy lift in developing resources and materials that support the new approach to SEL. To support the new Transformative SEL standards there will need to be **intentional focus on the processes, systems, and structures at the classroom, school, and district level** that create the conditions for learning and thriving (as opposed to lessons that support student SEL skills).

Based on this feedback and to match the need that has continuously surfaced, we revised the SEL Policy Option Package (POP) for the 2023-25 biennium. Although it does not include all of the costs, the focus of the request is to use general funds to support implementation of the adopted standards by providing high-quality professional development and instructional supports to districts and schools. The POP includes funding for:

- A Program Analyst position to assist the Social Emotional Learning (SEL) Educational Specialist with coordination and project planning for SEL
- Professional learning modules
- Professional learning opportunities with supportive tools for facilitation (facilitator guides, slides, handouts, and PD activities).
- Development of digital open resources to implement SEL standards and support readiness for standards implementation in July 2024.
- Development of instructional materials by grade band and content area.
- Funding for an advisory group to develop a Transformative SEL Toolkit.
- Develop and share case studies that elevate best and promising practices in regional and statewide implementation.
- Provide technical assistance for continuous implementation and improvement efforts.

REFERENCES

Collaborative for Academic, Social, and Emotional Learning. (2021b). *Transformative SEL*. <https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/>

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Venet, A. S. (2021). *Equity-centered trauma informed education*. W. W. Norton & Company.

Oregon State Board of Education

MEETING DATE

AGENDA ITEM: Oregon’s Transformative Social Emotional Learning (SEL) Framework & Student Standards

ATTACHMENTS

- Attachment 1: [Oregon’s Transformative Framework with K-12 SEL Standards](#) by the Phase 2 SEL Advisory Group
- Attachment 2: “[Preliminary Description of the Proposed Social Emotional Learning Standards Framework: HB 2166](#)” by the Phase 1 SEL Advisory Group

Oregon State Board of Education

May 18, 2023

AGENDA ITEM:

<p>SUBJECT: State Board of Education Board Leadership STAFF NAME & OFFICE: Corey Rosenberg, SBE Administration</p> <p>Election of State Board of Education Chair, Vice Chair, & 2nd Vice Chair. to serve July 1, 2023 – June 30, 2024</p> <p><input type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input checked="" 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

The State Board of Education Procedures & Policy Manual states in Policy Number 101 that each year, the board will elect their Chair, Vice Chair, 2nd Vice Chair. The Board is to create a committee of two to three Board members to nominate Board leadership. This year, George Russell and Kimberly Howard Wade were the nominating committee. They make the following nominations:

Chair: Guadalupe Martinez-Zapata

Duties of the Chair:

- Sets agenda.
- Presides at meetings.
- Ensures fairness and impartiality.
- Enforces parliamentary procedure.
- Acts as the primary spokesperson to the press for the board.
- Performs other duties as may be required by law or action of the board.
- Names members for board subcommittees and liaisons, unless a majority of the board votes otherwise.
- Serves as an ex-officio member on board subcommittees.
- Calls special meetings not on board’s adopted calendar.

Vice-Chair: Jennifer Scurlock

Duties of the Vice Chair:

- Presides at meetings in the event of an absence of the Chair.
- Performs other duties as directed by the Chair or the vote of the board.

2nd Vice-Chair: Shimiko Montgomery

Duties of the Second Vice Chair:

- Presides at meetings in the event of an absence of the Chair and Vice Chair.
- Performs other duties as directed by the Chair or the vote of the board.

Oregon State Board of Education

May 18, 2023

AGENDA ITEM:

SUMMARY OF PREVIOUS BOARD ACTION

Previously, Guadalupe Martinez-Zapata served as Chair, Jennifer Scurlock served as Vice-Chair, and Bridgett Wheeler served as 2nd Vice-Chair. According to the State Board Procedures and Policy Manual, an individual serving as Chair may do so for up to two consecutive years, pending renomination and board approval. Guadalupe Martinez-Zapata is therefore eligible to serve as Chair for an additional year. There are no limits on the number of terms a member may serve in the Vice-Chair or 2nd Vice-Chair positions.

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 State Board of Education has clear guidelines to select their Board leadership. The Board administrator is asked to create a nominating committee comprised of two to three Board members. However, the Board administrator removes themselves from nominating committee discussions. Once the nominating committee discusses Board leadership, they alert the Board administrator of their nominations after they speak to the nominees. Board administrator then presents the nominations to the full Board as a first reading. The first reading alerts the public that the Board is considering these Board members for leadership positions and allows for public comments on these recommendations. The full Board will take action in June of 2023.

EQUITY IMPACT ANALYSIS

Since the Board's Policy & Procedures manual describes a process of nominating Board leadership, outside educational stakeholders, school districts, or advisory groups are not included in the nomination committee deliberations. The opportunity to provide feedback on Board leadership is open during the first reading in May and action in June.

The Board of Education is focused on equity, diversity, and inclusion. The nominating committee took into account not only professional experience but also background coupled with experience on the board.

FISCAL ANALYSIS

This will not have fiscal impact on the Board, the Department of Education or school districts.

EFFECT OF A "YES" OR "NO" VOTE

Oregon State Board of Education

May 18, 2023

AGENDA ITEM:

A rejection of the nominating committee recommendations would trigger a Board conversation about who will be part of Board leadership. Accepting the recommendations of the nominating committee, would mean that the current nominees would serve as Chair, Vice-Chair and 2nd Vice-Chair for the State Board of Education for the period of July 1, 2023 to June 30, 2024.

STAFF RECOMMENDATION

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

ATTACHMENTS

None